

RESOLUTION NO. 002-20R

A RESOLUTION ADOPTED PURSUANT TO SECTION 1506.11 OF THE OHIO REVISED CODE FINDING AND DETERMINING THAT BASED UPON THE REPRESENTATIONS AND APPLICATION FILED BY THE CITY OF SANDUSKY, THE USE AND DEVELOPMENT OF THE TERRITORY SO DESCRIBED, A SUBMERGED LANDS LEASE MAY BE ENTERED INTO BY THE STATE'S DIRECTOR OF NATURAL RESOURCES; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City of Sandusky is the upland property owner and trustee for the general public of the rights-of-way as defined in the Ohio Revised Code, Section 4511.01(uu), including Shoreline Drive; and

WHEREAS, this City Commission approved an agreement with Osborn Engineering of Cleveland, Ohio, for Professional Design Services for the preliminary engineering of the Shoreline Drive Rehabilitation Project by Ordinance No. 17-016, passed on February 13, 2017, and subsequently approved another agreement for Professional Design Services for the preparation of the design-build documents, bidding documents, and construction engineering by Ordinance No. 17-224, passed on December 11, 2017; and; and

WHEREAS, this City Commission approved a design-build contract with Kokosing Industrial, Inc. of Toledo, Ohio, for the Shoreline Drive Rehabilitation Project by Ordinance No. 18-192, passed on October 9, 2018; and

WHEREAS, the proposed Shoreline Drive Rehabilitation Project involves the rehabilitation and streetscape improvements of Shoreline Drive including the replacement of aging water, sewer and storm sewer mains, reconstruction of the roadway including the removal of abandon railroad tracks, on-street parking improvements, multi-use paths, lighting, and burial of low-voltage utilities in various locations; and

WHEREAS, the City is required by the Ohio Department of Natural Resources to obtain a submerged lands lease for projects which are within a submerged land area; and

WHEREAS, the City of Sandusky has made certain representations and filed an original application and site plan consistent therewith, with the State Director of Natural Resources, a copy of which is attached marked "Exhibit A" and is specifically incorporated as if fully rewritten herein, indicating a desire to use and develop a part of the territory as specified in their application and site plan without impairment of the public's right of navigation, water commerce and fishery; and

WHEREAS, this City Commission determines that based upon the City's representations, the territory as described in their application and site plan filed by the City of Sandusky is not necessary or required for the construction, maintenance, or operation, by the City of Sandusky, of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements and marginal highways, in aid of navigation and water commerce; and

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WHEREAS, this City Commission determines that based upon the City's representations the land uses specified in the City's application and site plan filed with the State's Director of Natural Resources comply with the regulations of permissible land use under all waterfront plans adopted by the City of Sandusky; and

WHEREAS, this Resolution should be passed as an emergency measure and in accordance with Section 14 of the City Charter in order to ensure that the administrative review process can continue in a timely manner and the project proceed expeditiously; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission finds and determines that based upon the City's representations as contained in attached Exhibit "A" the territory as described in their application and site plan is not necessary or required for the construction, maintenance, or operation, by the City of Sandusky of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements and marginal highways, in aid of navigation and water commerce.

Section 2. This City Commission finds and determines that based upon the City's representations contained in attached Exhibit "A" the land uses specified in the application and site plan filed with the State's Director of Natural Resources comply with the regulations of permissible land use under all waterfront plans adopted by the City of Sandusky.


Section 3. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in


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those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: 

KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: January 13, 2020



COASTAL PERMITS AND LEASE APPLICATION

Please consult the instructions prior to completing this form. Please type or print clearly using blue or black ink.

GENERAL INFORMATION

| | |
|--|---|
| 1. Property owner name: <i>City of Sandusky</i> | |
| 2. Mailing address: <i>222 Meigs Street Sandusky, OH 44870</i> | 3. Home telephone number: <i>419-627-5829</i> |
| | 4. Alternate telephone number: |
| 5. Email address: <i>aklein@ci.sandusky.oh.us</i> | |
| 6. Authorized agent/representative name: <i>Aaron Klein, P.E. Director, Public Works</i> | |
| 7. Mailing address: <i>SAME</i> | 8. Telephone number: |
| | 9. Fax Number: |
| 10. Email address | |

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| 11. Street address: <i>Shoreline Drive, Sandusky, OH 44870</i> | |
| 12. Permanent parcel number(s): <i>N/A, in city R/W</i> | |
| 13. City or township: <i>Sandusky</i> | 14. County: <i>Erie</i> |
| 15. Site location description (if necessary): <i>Lease area is within Shoreline Drive right-of-way from Lawrence Street to the west, to Franklin Street to the east.</i> | 16. Submittals (check if enclosed): Location map <input checked="" type="checkbox"/> <i>Drawing is sufficient for Location map</i> |

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| 17. Name of adjoining shoreline property owner(s) | Street address/city/state/ zip code (include permanent mailing and local) |
| <i>Many adjoining</i> | <i>properties, available upon request if required</i> |
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| 18. Brief description of the proposed structure or project (attach additional sheets if necessary): <i>Submerged land lease for the northerly part of Shoreline Drive.</i> | |
| 19. Anticipated start date: <i>March, 2019</i> | 20. Anticipated finish date: <i>March, 2019</i> |

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|--|---|-----------------------------|
| 21. To apply for an authorization, check the box below and complete the application on the reverse page: | | |
| Shore Structure Permit | <input checked="" type="checkbox"/> Submerged Lands Lease | Coastal Erosion Area Permit |
| Shore Structure Permit Modification | Submerged Lands Lease Modification | Consistency Statement |

| | | | | |
|--------------------------|--|----------------|------------------------------|--------------------------------|
| AGENCY USE ONLY | | | | |
| Application Reference #: | | Date Received: | | |
| Lease Reference #: | | This copy to: | <input type="checkbox"/> SSP | <input type="checkbox"/> SLL |
| | | | <input type="checkbox"/> CEA | <input type="checkbox"/> Other |

EXHIBIT

"A"

SHORE STRUCTURE PERMIT APPLICATION

\$1506.40 ORC

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|---------------------------|-------------------|---|--|
| 1. Professional Engineer: | | 2. Ohio registration number: | |
| 3. Mailing address: | 4. Phone number: | 7. Submittals (check if enclosed) <input type="checkbox"/> Construction drawings (by professional engineer) <input type="checkbox"/> Design information | |
| | 5. Fax number: | | |
| | 6. Email address: | | |

SUBMERGED LANDS LEASE APPLICATION

\$1506.11 ORC

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| 1. Total Area of Submerged Lands to be Occupied: 82,117.8274 S.F. (1.8852 Acres) | |
| 2. Upland deed recording information [Deed book] N/A | [Deed page] N/A City Right-of-Way |
| 3. Local Authority Issuing Resolution: City of Sandusky | Date issued: |
| 4. Was any Portion of the Structure Erected in Lake Erie Prior to October 13, 1955? | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| 5. Brief Explanation of the Purpose of the Structure or Project (attach additional sheets if necessary): Formalize lease area within Shoreline Drive prior to improvements are constructed in the street right-of-way. | 6. Submittals (check if enclosed): <input type="checkbox"/> Construction drawings <input type="checkbox"/> Copy of title deed <input checked="" type="checkbox"/> Metes & bounds description and plat <input checked="" type="checkbox"/> Local resolution or ordinance <input type="checkbox"/> Legal documentation of signature authority |

COASTAL EROSION AREA PERMIT APPLICATION

\$1506.07 ORC

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| 1. Authorization Type: <input type="checkbox"/> Existing <input type="checkbox"/> New Measure | Date Built (if existing): |
| 2. Upland deed recording information [Deed book] | [Deed page] |
| 3. Construction start date for the building or addition: | |
| 4. Brief description of the building or addition (attach additional sheets if necessary): | 5. Submittals (check if enclosed): <input type="checkbox"/> Construction drawings <input type="checkbox"/> Permanent structure drawings <input type="checkbox"/> Copy of title deed <input type="checkbox"/> Construction schedule <input type="checkbox"/> Design Information |

SIGNATURE AND CONSISTENCY STATEMENT

\$1506.03 ORC

I certify that the proposed activity identified in this application shall comply with Ohio's approved Coastal Management Program and will be conducted in a manner consistent with such program (15 CFR 930.57 and ORC 1506.03).

I do additionally certify that I am familiar with the information contained in this application and, to the best of my knowledge and belief, such information is true, complete and accurate.

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Signature of Property Owner or Authorized Agent

Date

**Contractors Design Engineering
Consulting Engineers and Surveyors
1623 Old State Road, Norwalk, Ohio 44857**

**Legal Description For:
The City of Sandusky**

Being a parcel of land located in the right-of-way of Shoreline Drive (former Railroad Street), City of Sandusky, Erie County, Firelands Connecticut Western Reserve, State of Ohio, and further particularly described as follows:

Beginning at a 1" iron pin found in a monument box at the intersection of the centerlines of Lawrence Street and Water Street; Thence North 23° 43' 49" West, along the centerline of Lawrence Street, a distance of 184.62 feet to a point on the natural shoreline based on 1877 aerial imagery and being the principal place of beginning;

1. Thence South 70° 19' 57" West, a distance of 66.17 feet to a point;
2. Thence North 23° 43' 49" West, a distance of 13.70 feet to a point on the northerly right-of-way line of Shoreline Drive (80' R/W);
3. Thence North 71° 05' 42" East, along an extension of the northerly right-of-way line of Shoreline Drive, a distance of 132.47 feet to a point;
4. Thence North 71° 05' 42" East, continuing along the northerly right-of-way line of Shoreline Drive, a distance of 842.51 feet to a point of deflection;
5. Thence North 66° 12' 56" East, continuing along the northerly right-of-way line of Shoreline Drive, a distance of 1,972.45 feet to a point of deflection;
6. Thence North 61° 12' 18" East, along the northerly right-of-way line of Shoreline Drive, a distance of 512.78 feet to a point on the westerly right-of-way line of Franklin Street;
7. Thence South 23° 45' 04" East, along the westerly right-of-way line of Franklin Street, a distance of 17.63 feet to a point on the natural shoreline based on 1877 aerial imagery;

Thence along the natural shoreline based on 1877 aerial imagery the following forty (40) courses:

8. Thence South 64° 44' 21" West, a distance of 198.48 feet to a point;
9. Thence South 58° 32' 40" West, a distance of 103.53 feet to a point;
10. Thence South 61° 07' 59" West, a distance of 119.37 feet to a point;
11. Thence South 49° 47' 12" West, a distance of 30.68 feet to a point;
12. Thence South 72° 05' 06" West, a distance of 64.41 feet to a point;
13. Thence South 57° 26' 49" West, a distance of 153.95 feet to a point;
14. Thence South 64° 27' 43" West, a distance of 45.95 feet to a point;
15. Thence South 78° 14' 15" West, a distance of 44.18 feet to a point;
16. Thence South 53° 41' 49" West, a distance of 76.04 feet to a point;
17. Thence South 65° 09' 19" West, a distance of 81.43 feet to a point;
18. Thence South 66° 27' 55" West, a distance of 153.34 feet to a point;
19. Thence South 55° 51' 40" West, a distance of 60.97 feet to a point;
20. Thence South 67° 33' 35" West, a distance of 146.25 feet to a point;
21. Thence South 81° 52' 36" West, a distance of 38.23 feet to a point;
22. Thence South 64° 11' 40" West, a distance of 164.20 feet to a point;
23. Thence South 67° 08' 42" West, a distance of 99.10 feet to a point;
24. Thence South 70° 14' 50" West, a distance of 97.03 feet to a point;
25. Thence South 80° 20' 55" West, a distance of 68.02 feet to a point;
26. Thence South 69° 19' 15" West, a distance of 68.63 feet to a point;
27. Thence South 51° 05' 38" West, a distance of 47.67 feet to a point;
28. Thence South 67° 29' 45" West, a distance of 126.64 feet to a point;
29. Thence South 71° 00' 15" West, a distance of 179.58 feet to a point;
30. Thence South 62° 00' 57" West, a distance of 217.37 feet to a point;

31. Thence South 72° 24' 07" West, a distance of 74.66 feet to a point;
32. Thence South 68° 06' 05" West, a distance of 86.23 feet to a point;
33. Thence South 69° 48' 06" West, a distance of 11.13 feet to a point;
34. Thence South 62° 39' 24" West, a distance of 51.02 feet to a point;
35. Thence South 74° 56' 02" West, a distance of 33.98 feet to a point;
36. Thence South 67° 52' 45" West, a distance of 35.45 feet to a point;
37. Thence South 75° 16' 58" West, a distance of 60.82 feet to a point;
38. Thence South 62° 48' 40" West, a distance of 29.30 feet to a point;
39. Thence South 72° 20' 59" West, a distance of 47.50 feet to a point;
40. Thence South 69° 37' 52" West, a distance of 58.08 feet to a point;
41. Thence South 80° 34' 01" West, a distance of 53.33 feet to a point;
42. Thence South 71° 55' 14" West, a distance of 63.03 feet to a point;
43. Thence South 56° 40' 23" West, a distance of 45.73 feet to a point;
44. Thence South 69° 48' 08" West, a distance of 61.93 feet to a point;
45. Thence South 74° 28' 55" West, a distance of 15.71 feet to a point;
46. Thence South 72° 00' 04" West, a distance of 170.06 feet to a point;
47. Thence South 83° 39' 57" West, a distance of 49.23 feet to a point;
48. Thence South 70° 19' 57" West, a distance of 80.44 feet to the principal place of beginning and containing 1.8852 acres (82,117.8274 Sq. Ft.) of which all are within the road right-of-way of Shoreline Drive, but subject to all legal highways, easements and restrictions of record;

Bearings are based on Grid North of the Ohio State Plane Coordinate System, NAD83 (2011) Datum, Geoid 12A, by ODOT VRS.

This description was prepared by Contractors Design Engineering, (Consulting Engineers and Surveyors, Norwalk, Ohio) in November, 2018 per Alexander B. Etchill, Registered Surveyor No. 8516 from an actual survey performed February, 2018 on the premises by Contractors Design Engineering.



