



Beachwood City Council Meeting
Monday, April 21, 2025, 7:00 PM
at Beachwood City Hall, Council Chambers,
25325 Fairmount Boulevard, Beachwood, Ohio 44122

Agenda

-Pledge of Allegiance to the Flag of the United States of America-

1. Roll Call
2. **Public Hearing:**
Ordinance No 2024-81 An Ordinance rezoning 2509 and 2515 South Green Road, Beachwood, Ohio (PPN# 741-09-002 and 741-09-001), from U-1 Single Family Residential District to U-5 Public and Institutional District
Placed on First Reading and Referred to Planning & Zoning: December 2, 2024
Referred back to City Council from Planning & Zoning Commission: January 30, 2025
Placed on Second Reading and Referred to a Public Hearing: February 18, 2025
Public Hearing held on: April 21, 2025
3. Citizen's Remarks (**City Council limits Citizen's Remarks to three (3) minutes each for a maximum of thirty (30) minutes unless so extended at the discretion of the President or a majority of Council per Council Rules of Procedure, Section 7, Rule 7.2**)
4. Reports
 - a. Mayor
 - b. Council Member (non-agenda items)
 - c. Department Directors

Consent Agenda

1. Approval of Minutes
Regular City Council Meeting held on April 7, 2025

Ordinances

1. 2025-14

An Ordinance authorizing and directing the payment of Certain Claims (Bills) for professional and other services; and declaring this to be an urgent measure

Motion

1. A Motion authorizing the Clerk of Council to advertise for Request for Qualifications for Design Services for the Chagrin Boulevard Resurfacing Project per BCO 121.09 and ORC 7.16

Old Business (Regular Agenda)

Ordinances

1. 2024-82

An Ordinance rezoning 23250 Chagrin Boulevard, Beachwood, Ohio (PPN#742-23-002), from U-7A General Office Building District to U-3C Planned Multi Family Residential District

Placed on First Reading and Referred to the Planning and Zoning Commission: December 16, 2024

Referred back to City Council from Planning and Zoning Commission: January 30, 2025

Placed on Second Reading and Referred to a Public Hearing: February 18, 2025

Public Hearing held on: April 7, 2025

Place on Third and Final Reading and Adopt:

2. 2025-12

An Ordinance Rezoning 3663 Park East Drive, Beachwood, Ohio 44122 (PPN# 742-29-017) from U-4C Integrated Mixed Use, Multi-Family Residential, Office Retail, Recreation Business District to U-9 Motor Service District

Placed on First Reading and Referred to the Planning and Zoning Commission: April 7, 2025

Referred back to City Council from Planning and Zoning Commission: April 10, 2025

Place on Second Reading and Refer to a Public Hearing:

3. 2025-13

An Ordinance Amending the City of Beachwood, Ohio Planning and Zoning Code by Amending Beachwood Codified Ordinance Section 1111.02(M)(2) Titled 'Classification of Uses'

Placed on First Reading and Refer to Planning and Zoning Commission: April 7, 2025

Referred back to City Council from Planning and Zoning Commission: April 10, 2025

Place on Second Reading and Refer to a Public Hearing:

New Business (Regular Agenda)

Ordinances

1. 2025-15

An Ordinance enacting New Chapter 901, “Use of Public Ways by Service Providers’
Place on First Reading:

Any other matters coming before City Council

Adjournment

Next Regular Council Meeting will be held on: Monday, May 5, 2025 at 7:00 PM in Council Chambers. For all updates regarding Council Meetings, please visit: www.BeachwoodOhio.com

**Council Members: Alec Isaacson – Council President
Danielle Shoykhet – Council Vice-President
Jillian DeLong, Joshua Mintz, Peter L. Smith
Ali B. Stern, June E. Taylor
Clerk of Council: Whitney M. Crook, MMC**

INTRODUCED BY:

ORDINANCE NO. 2024-81

AN ORDINANCE REZONING 2509 and 2515 SOUTH GREEN ROAD, BEACHWOOD, OHIO (PP NOS. 741-09-002 and 741-09-001) FROM U-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO U-5 PUBLIC AND INSTITUTIONAL DISTRICT

WHEREAS, Ben Grinblatt, RA, representing BGAD LLC, has requested the rezoning of 2509 and 2515 South Green Road, Beachwood, Ohio (PP Nos. 741-09-002 and 741-09-001), from U-1 Single Family Residential District to U-5 Public and Institutional District; and

WHEREAS, Council placed this request on first reading and referred the proposed rezoning to the Planning and Zoning Commission for study, report, and recommendation in accordance with BCO 1107.01 on December 2, 2024.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: The Council of the City of Beachwood, having received a request from Ben Grinblatt, RA, representing BGAD LLC, for rezoning 2509 and 2515 South Green Road, Beachwood, Ohio (PP Nos. 741-09-002 and 741-09-001), from U-1 Single Family Residential District to U-5 Public and Institutional District, placed said rezoning request on first reading and referred the proposed rezoning to the Planning and Zoning Commission for study, report, and recommendation in accordance with BCO 1107.01.

Council having received the Planning and Zoning Commission's report and recommendation, Council places the rezoning request on second reading and will schedule a public hearing.

The public hearing shall occur no less than 30 days after receipt of the Planning and Zoning Commission's report and recommendation.

This Ordinance shall be read by Council on three separate occasions, and its passage shall cause the proposed rezoning to become effective upon operation of law.

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the ____ day of _____, 2025 and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the ____ day of _____, 2025.

Approval: I have approved this legislation this ____ day of _____, 2025 and filed it with the Clerk.

Clerk

Mayor



BGAD LLC
25080 PENSURST DR
BEACHWOOD, OH 44122
216.407.1480
bgad.archdesign@gmail.com

November 14, 2024

TO: Beachwood Planning & Zoning Commission

RE: 2509 & 2515 S Green Road
Beachwood, OH 44122
Parcels: 741-09-002 & 741-09-001

Enclosed please find the submission documents for the requested lot combination and rezoning of the adjacent parcels located at 2509 and 2515 S Green Road. Located between Chabad of Beachwood and Ranch Road, as the only U-1 residential parcels on this block of S Green Road, we are requesting to combine these parcels and rezone to the U-5 Public and Institutional Use.

This initial application is for the lot combination and rezoning of the stated parcels; further design of the buildings will follow. The intention is to keep both of the buildings on the property, with renovations (including an addition) to be proposed to 2509 S Green Road, and minor interior alterations to be proposed to 2515 S Green Road. The two buildings would be bridged together with a single storey connector, as shown in the concept 3D views on the attached drawing.

Enclosed in this package, please find:

- Planning & Zoning Application
- (1) sets of plans
- Tax Summary as provided by Cuyahoga County
- Letters from the current property owners authorizing this request
- \$1,535 check

I understand that this submission will be sent to the City Council before being referred to the Planning & Zoning Commission, so please let me know if any additional information or documentation is required.

Thank you for considering this request.

Ben Grinblatt, RA

PLANNING & ZONING APPLICATION

Form must be completed or will not be processed

APPLICATION DATE: 11.15.2024

OWNER OF BUILDING: Yeshiva Ahavas HaTorah PHONE: 216-965-5355

STREET ADDRESS: 14480 Summerfield Road

CITY/STATE/ZIP: University Heights, OH 44118

APPLICANT: Ben Grinblatt, RA PHONE: 216-407-1480

COMPANY OR FIRM: BGAD LLC

EMAIL: bgad.archdesign@gmail.com

STREET ADDRESS: 25080 Penshurst Drive

CITY/STATE/ZIP: Beachwood, OH 44122

PRESENTER(S) TO APPEAR AT THE P&Z MEETING (include name & email address):

Ben Grinblatt (Architect) - bgad.archdesign@gmail.com; Menachem Weinberg (Owner's Agent) -
weinbergmz@gmail.com; Bryan Farkas (Attorney) - bjfarkas@vorys.com

DESCRIPTION OF THE PROPERTY:

ADDRESS: 2509 & 2515 S Green Road SUITE # ---

TENANT NAME: Yeshiva Ahavas HaTorah

PERMANENT PARCEL # 741 - 09 - 002 PRESENT USE: U-1 PROPOSED USE: U-5

PURPOSE OF APPLICATION: Respectfully requesting review for lot consolidation of parcels

741-09-002 (2509 S Green) and 741-09-001 (2515 S Green) and rezoning from U1-A2 to U-5.

NATURE OF THE REQUEST (check as many as apply):

- ☐ Preliminary site plan approval
☐ Final site plan approval
☐ Lot split
☒ Lot consolidation
☐ Conditional use permit
☒ Rezoning
☐ Zoning text amendment
☐ Other _____
☐ Request for a variance.

Must provide a "Box Score" indicating permitted area, distance, etc. and requested area, distance, etc. with application.
Please explain reason for variance (**must indicate a hardship**):

Are there any special issues regarding this application that should be brought to the attention of the Planning Commission and Staff? If so, please explain. _____

Planning & Zoning Submission Requirements:

- Attach site plan of the proposed development with details such as square footage, height, purpose.
- Attach an aerial photo depicting the property and surrounding area (these are available online via County Auditor's GIS website or Google Earth).
- Attach copy of the Auditor's Report from the Cuyahoga County website indicating the real estate taxes for the property have been paid on a current basis.
- Any Planning & Zoning application which requires Council approval must have a representative attend the scheduled Council meeting.

Planning & Zoning Submission Filing Fees & Deposits:

A non-refundable filing fee in the amount of thirty-five dollars (\$35.00) shall be paid to the City for each application submitted to the Planning and Zoning Commission; and...

A cash fee in the amount set forth in the following schedule shall be submitted in addition to the filing fee listed in subsection (a) hereof, at the time of application to the Planning and Zoning Commission and/or Council:

	<u>Zoning District</u>	<u>Fee</u>
(1)	U-1, A-1 / U-1, A-2 / U-2 / U-2A / Variances Includes all applications to the Planning Commission and/or Council except applications for lot splits and/or consolidations plats, easement applications, and any application required to be recorded with the County Recorder's Office.	\$300.00
(2)	All other Zoning Districts for site development plan review (new building/addition)	\$5,000.00
(3)	All lot split and/or consolidation plats, easements, and any application required to be recorded with the County Recorder's Office	\$1,500.00
(4)	For all Zoning Districts, excepting U-1, A-1/U-1, A-2/U-2/ and U-2A, all other applications, including, but not limited to: special use permits, conditional use permits, variances, text amendments, or similar or harmonious use	\$750.00
(5)	Map Amendment	\$2,500.00

We, the building owner and/or applicant, with our signature below, hereby agree to follow specifically the plans submitted to and approved by the Planning and Zoning Commission and do agree to construct said building(s) as depicted on said approved plans.


SIGNATURE

Ben Grinblatt
PRINTED NAME

11.15.2024
DATE

*****OFFICE USE ONLY*****

PLANNING & ZONING COMMISSION - P&Z No. _____ MEETING DATE: _____

FEE: RECEIPT # _____ AMOUNT \$ _____ DATE PAID _____

Preliminary Approval: _____
Date

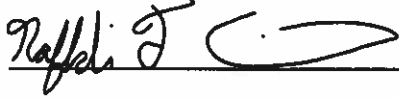
Final Approval: _____
Date

Recommendation to Council: ☐ YES ☐ NO Meeting Date: _____

To whom it may concern,

I, Naftali Eiserman, as past president of the congregation Kol Israel, give YAH and Menachem Weinberg permission to apply for zoning changes to 2509 South Green Road, which will soon be transferred to YAH.

Naftali Eiserman

A handwritten signature in black ink, appearing to read 'Naftali Eiserman', written over a horizontal line.

Date 11/4/2024

October 29, 2024
Sorah Basya LLC
504 Waldron Terrace
Merion Station PA 19066

Zoning Board;

We would like to apply to rezone our property 2515 Green Road. My agents to do this are Rabbi Nosson Spero and/or Rabbi Menachen Weinberg. Thank you.

Leslie Spero

Yeshivas Ahavas HaTorah

Rabbi Menachem Weinberg-Rosh Hayeshiva

Rabbi Nosson Spero- Menahel

November 15, 2024

To Whom It May Concern,

Yeshiva Ahavas HaTorah is currently paying off the tax debt at 2509 South Green Road. We have been in touch with the Treasurer's office, and are making monthly payments. I am attaching an email with these details.

Sincerely,

Nosson Spero

Nosson Spero

741-09-002

245811

CUYAHOGA COUNTY REAL PROPERTY TAX PAYMENT AGREEMENT

Permanent Parcel Number 741-09-002

Prepared On 08/02/2024

Contract Number 245811

Print Time 08/06/2024

Current Duplicate Year 2024

Cert. Act. Year 2022 / 2024

UNDERTAKING TO PAY DELINQUENT TAXES IN INSTALLMENTS

I / We CONGREGATIONAL KOL ISRAEL being the owner of Real Estate situated in the tax district of Beachwood described as follows
18 FAIRGRN 0307 WP

Which Real Estate stands charged on the tax lists and duplicates of Cuyahoga County, Ohio with taxes, assessments, penalties and interest, if any, which became certified delinquent in the sum of \$16,373.10 do hereby agree to pay the full amount of such taxes, assessments, penalties and interest, if any, in 60 monthly installments. Upon entering into this agreement, a payment of \$272.89 is due and payable. The balance is due in 59 installments of \$272.89.

I / We undertake on my/our own behalf, and on the behalf of all subsequent grantees and transferees of such Real Estate, that in addition to the payment of 60 monthly installments on the delinquencies covered by this agreement, I / we will also pay all current taxes and assessments on this property as they become due.

Failure to make payments in accordance with this agreement will result in default of this agreement. Without further notice, the tax collection procedure authorized by Ohio Revised Code Section 323.121 in which interest shall be charged from the original date of the contract will be in effect.

Further, thirty (30) days after any default of a contract, the parcel will be forwarded to the county prosecutor who will then institute formal foreclosure proceedings.

Address CONGREGATIONAL KOL ISRAEL
14480 SUMMERFIELD RD
CLEVELAND, OH 44118

Current Tax \$0.00
Installment Amt \$272.89
Due Today \$272.89

Daytime Phone 216-965-5355

Comments This Contract utilizes Automated Clearing House

Signed
Taxpayer

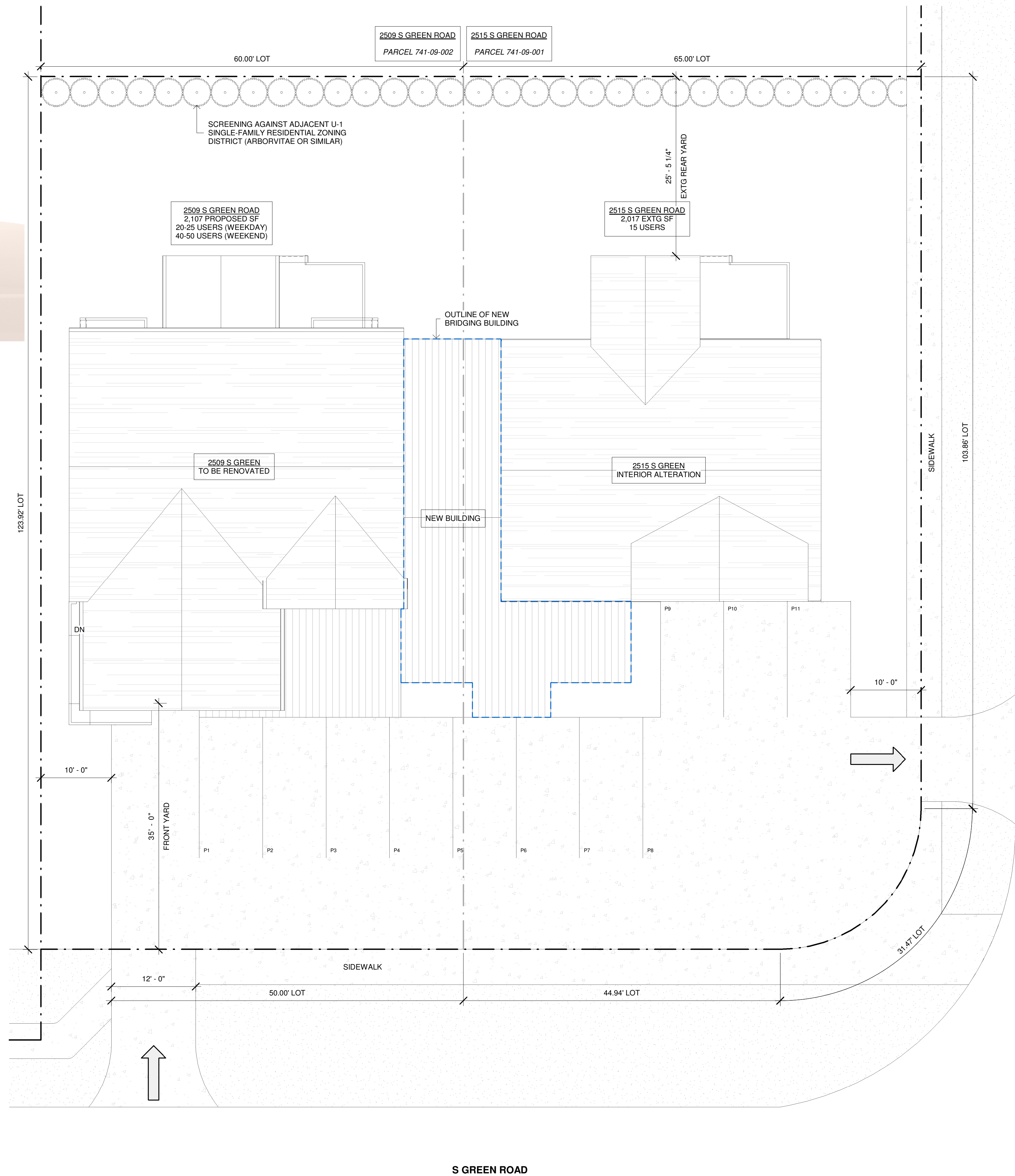
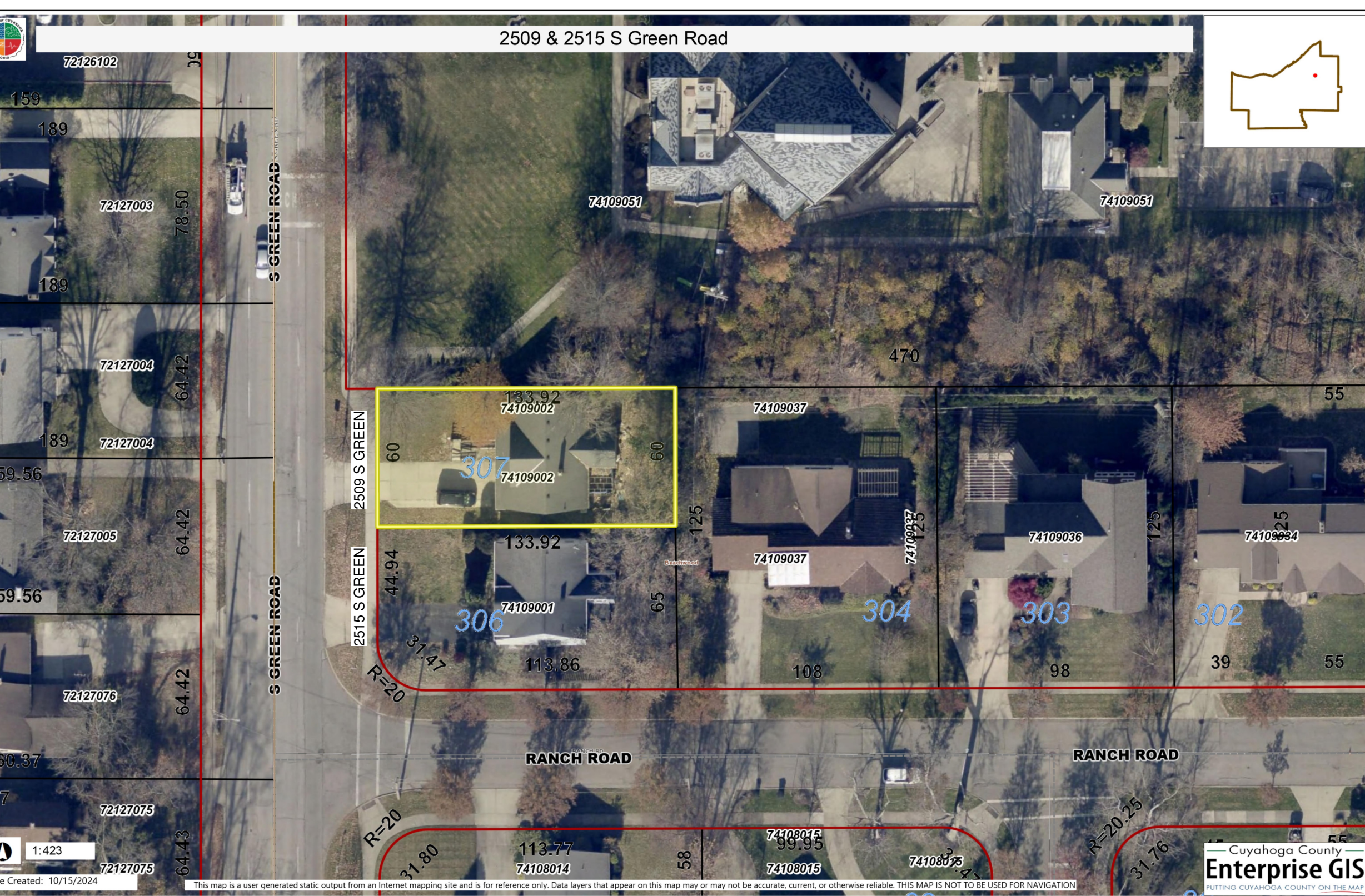
Date

Signed

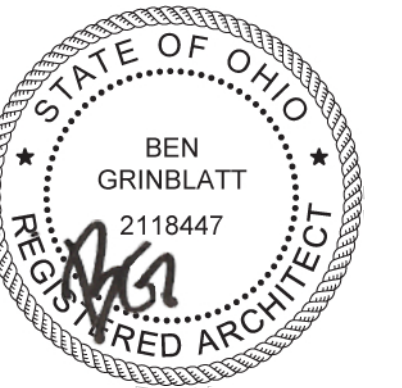
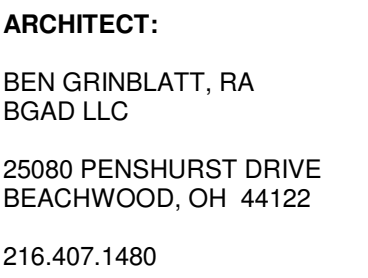
Date

Issued by Tyasha Atkins

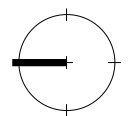
**2509 & 2515 S GREEN ROAD
BEACHWOOD, OH 44122**



1 SITE PLAN
SCALE: 1/8" = 1'-0"



RANCH ROAD



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**REGULAR CITY COUNCIL MEETING MINUTES
MONDAY, APRIL 7, 2025, 7:00 PM
AT BEACHWOOD CITY HALL, COUNCIL CHAMBERS,
25325 FAIRMOUNT BOULEYARD,
BEACHWOOD, OHIO 44122**

Called to order at 7:00 PM by Council President Alec Isaacson

-Pledge of Allegiance to the Flag of the United States of America-

1. Roll Call

Present - Ms. DeLong, Mr. Isaacson, Mr. Mintz, Ms. Shoykhet, Mr. Smith,
Ms. Stern, Ms. Taylor

Absent – None

Others Present - Mayor Berns, Mr. Arrietta, Ms. Bieterman, Mr. Heiser, Fire Chief
Holtzman, Mr. Hunt, Mr. Lombardi, Police Deputy Chief Resek, Mr. Roenigk,
Mr. Rose, Mr. Schroeder, Mr. Smerigan, Ms. Turick

2. **Administration of the Oath of Office by Mayor Justin Berns to:**

Elizabeth Ryan

3. **Public Hearing**

Ordinance No 2024-82 An Ordinance rezoning 23250 Chagrin Boulevard, Beachwood,
Ohio (PPN# 742-23-002), from U-7A General Office Building District to U-3C Planned
Multi Family Residential District

Placed on First Reading and Referred to Planning & Zoning: December 16, 2024

Referred back to City Council from Planning & Zoning Commission: January 30, 2025

Placed on Second Reading and Referred to a Public Hearing: February 18, 2025

Public Hearing held on: April 7, 2025

Public Hearing Opened at 7:06 PM

Public Hearing Closed at 7:08 PM

Kyle Fishman

Mr. Fishman made remarks.

4. **Citizen's Remarks (City Council limits Citizen's Remarks to three (3) minutes each for
a maximum of thirty (30) minutes unless so extended at the discretion of the President
or a majority of Council per Council Rules of Procedure, Section 7, Rule 7.2)**

(Please see Video Recording for full remarks:

<https://www.beachwoodohio.com/528/Live-Stream-Recorded-Meetings>)

Kyle Fishman

Mr. Fishman made remarks.

Darlene Tinsley – AFL-CIO

Ms. Tinsley made remarks.

Matt Hildebrand

Mr. Hildebrand made remarks.

5. Reports

a. Mayor

Mayor Berns congratulated the Fire Department and spoke about a fire that occurred the previous week. He commended their efforts in safely clearing a condominium during the incident.

b. Council Members (non-agenda items)

None.

c. Department Directors

Mr. Schroeder reminded everyone that pool passes are now on sale. He also noted that block party reservations and splash party bookings are available. He announced that all camps are currently full and provided an update on the sand volleyball league.

Mr. Roenigk announced that a new Electrical Inspector has been hired.

Fire Chief Holtzman also spoke about the recent fire incident and thanked the Police Department for their assistance during the response.

Mr. Heiser stated that March month-end reports will be sent out tomorrow. He also discussed ARPA funding and the new compliance requirements, noting that the City is in compliance for 2022.

Consent Agenda

Approval of Minutes:

Regular Council Meeting held on March 17, 2025

Ordinances

1. 2025-11

An Ordinance authorizing and directing the payment of certain claims (Bills) for professional and other services; and declaring this to be an urgent measure

Resolutions

1. 2025-22

A Resolution excusing the absence of Councilwoman Jillian DeLong from the March 17, 2025 Meeting; and declaring this to be an urgent measure

Motions

1. A Motion moving the April 22, 2025 Regular Council Meeting back to April 21, 2025

Moved by: J. DeLong, Seconded by: D. Shoykhet

Voice Vote

On the Suspension:

Yes: 7
No: 0
Abstain: 0
Not Voting: 0
MOTION ADOPTED

Voice Vote

On the Adoption:

Yes: 7
No: 0
Abstain: 0
Not Voting: 0
MOTION ADOPTED

Old Business (Regular Agenda)

Ordinances

1. 2024-63

An Ordinance Rezoning 2555 Edgewood Drive, Beachwood, Ohio 44122 (PPN# 741-08-036) and 2561 Edgewood Drive, Beachwood, Ohio 44122 (PPN# 741-08-037), from U-1 Single Family Residential District to U-5 Public and Institutional District

Placed on First Reading and Referred to the Planning and Zoning Commission: August 20, 2024

Referred back to City Council from Planning and Zoning Commission: March 27, 2025

Place on Second Reading and Referred to a Public Hearing: April 7, 2025

Moved by: J. Mintz, Seconded by: J. Taylor

Mr. Isaacson made a Motion to amend the Ordinance and schedule the Public Hearing for 60 days as requested by the applicant.

Moved by: J. Taylor, Seconded by: J. Mintz

Voice Vote

On the Amendment:

Yes: 4
No: 2
Abstain: 1
Not Voting: 0
AMENDMENT ADOPTED

Voice Vote

On the Adoption:

Yes: 7
No: 0
Abstain: 0
Not Voting: 0
MOTION ADOPTED
– PLACED ON
SECOND READING
AND REFERRED TO
A PUBLIC HEARING

New Business (Regular Agenda)

Ordinances

1. 2025-12

An Ordinance Rezoning 3663 Park East Drive, Beachwood, Ohio 44122 (PPN# 742-29-017) from U-4C Integrated Mixed Use, Multi-Family Residential, Office Retail, Recreation Business District to U-9 Motor Service District

Place on First Reading and Referred to the Planning and Zoning Commission: April 7, 2025

Moved by: A. Stern, Seconded by: J. Mintz

Voice Vote

On the Adoption:

Yes: 7

No: 0

Abstain: 0

Not Voting: 0

MOTION ADOPTED
– PLACED ON FIRST
READING AND
REFERRED TO THE
PLANNING AND
ZONING
COMMISSION

2. 2025-13

An Ordinance Amending the City of Beachwood, Ohio Planning and Zoning Code by Amending Beachwood Codified Ordinance Section 1111.02(M)(2) Titled ‘Classified of Uses’

Place on First Reading and Referred to the Planning and Zoning Commission: April 7, 2025

Moved by: J. Taylor, Seconded by: D. Shoykhet

Voice Vote

On the Adoption:

Yes: 7

No: 0

Abstain: 0

Not Voting: 0

MOTION ADOPTED–
PLACED ON FIRST
READING AND
REFERRED TO THE
PLANNING AND
ZONING
COMMISSION

Resolutions

1. 2025-23

A Resolution Accepting a Certain Bid from Tri-Mor Corporation for the Timberlane/Green Sanitary Relief Sewer Phase 2 Project; and declaring this to be an urgent measure

Moved by: P. Smith, Seconded by: J. Taylor

Voice Vote

On the Suspension:

Yes: 7

No: 0

Abstain: 0

Not Voting: 0

MOTION ADOPTED

Voice Vote

On the Adoption:

Yes: 7

No: 0

Abstain: 0

Not Voting: 0

MOTION ADOPTED

2. 2025-24

A Resolution to save Neighborhood Social Security Offices; and declaring this to be an urgent measure

Moved by: D. Shoykhet, Seconded by: A. Stern

Voice Vote

On the Suspension:

Yes: 7

No: 0

Abstain: 0

Not Voting: 0

MOTION ADOPTED

Voice Vote

On the Adoption:

Yes: 7

No: 0

Abstain: 0

Not Voting: 0

MOTION ADOPTED

Any other matters coming before City Council

None

Adjournment

Adjourn to the next Regular City Council Meeting at 7:48 PM

Approved:

Clerk

Mayor

Next Regular Council Meeting will be held on: Monday, April 21, 2025 at 7 PM in Council Chambers. For all updates regarding Council Meetings, please visit:
www.BeachwoodOhio.com

**Council Members: Alec Isaacson- Council President
Danielle Shoykhet- Council Vice-President
Jillian DeLong, Joshua Mintz, P. Smith
Ali B. Stern, June E. Taylor
Clerk of Council: Whitney M. Crook, MMC**

**Pursuant to Ordinance Number 2020-78 Council has determined that the Video Recording of
the meetings shall stand as the official Minutes of its Body, its Committees,
and those of the Planning and Zoning Commission.**

**A written synopsis of all agenda items and votes shall also be promptly prepared
and kept.**

AN ORDINANCE AUTHORIZING AND DIRECTING THE PAYMENT OF CERTAIN CLAIMS (BILLS) FOR PROFESSIONAL AND OTHER SERVICES; AND DECLARING THIS TO BE AN URGENT MEASURE

BE IT ORDAINED by the Council of the City of Beachwood, State of Ohio, that the Director of Finance is hereby authorized and directed to issue his respective warrants for the following claims, to wit:

Section 1:

For Supplies and Services	April 22nd, 2025	\$	71,381.63
GPD	Engineering Services	\$	10,183.25
Code Consultation-Paul Kowalczyk	Plan Review Service	\$	1,125.00
Roetzel	Legal Services	\$	39,615.66
Sixmo Architecture	Plan Review Services	\$	750.00
Mr. Excavator	Invoice	\$	19,707.72

Section 2: It is found and determined that all formal actions and deliberation of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 3: This Ordinance is hereby declared an urgent measure immediately necessary for the public peace, health or safety or the efficient operation of the City; and for the further reason that it is necessary to approve said item and/or services available for use at the earliest possible time, to serve the City of Beachwood and its citizens.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify that this legislation was duly adopted on the 22nd day of April 2025 and presented to the Mayor.

Clerk

Approval: I have approved this legislation this 23rd day of April 2025 and filed it with the Clerk.

Mayor

Summary of Engineering Invoices **April 21, 2025 Professional Service Ordinance**

Invoice #	Invoice Date	Original Amount	Adjustment	Payment Amount	Fund	Billed	Out	2025	2024	2023
								ENCUMBRANCES		
2025119.01-2	3/14/2025	\$1,749.50	\$0.00	\$1,749.50	General			X		
2025119.02-3	3/14/2025	\$5,623.25	\$0.00	\$5,623.25	Capital			X		
2025119.03-1	3/14/2025	\$861.00	\$0.00	\$861.00	General			X		
2025120.02-1	3/14/2025	\$1,652.50	\$0.00	\$1,652.50	General			X		
2024120.02-11	3/14/2025	\$297.00	\$0.00	\$297.00	Deposits			X		
Total To Pay				<u>\$10,183.25</u>						

Total Capital Fund	\$5,623.25
Total General Fund	\$4,263.00
Total Deposits	\$297.00
Total Street Const. Mant.	\$0.00
Less: Billable Charges	<u>(\$297.00)</u>
Net Paid by City:	<u>\$9,886.25</u>

RECEIVED

APR 04 2025

FINANCE DEPT

Invoice



Mail Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

City of Beachwood
Attn: Larry Heiser, Finance Director
accounts@beachwoodohio.com
25325 Fairmount Blvd.
Beachwood, OH 44122

March 14, 2025

Invoice No: 2025119.01 - 2

Invoice Total	\$1,749.50
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Project 2025119.01 Beachwood - General Engineering
Professional Services from February 01, 2025 to February 28, 2025

Task 200 General Engineering(Under \$2,500.00 Fee)

Professional Personnel

	Hours	Rate	Amount
Project Principal			
Ciuni, Joseph	1.00	148.50	148.50
GASB 34			
Ciuni, Joseph	1.00	148.50	148.50
Lomus Fiber installation			
Ciuni, Joseph	2.00	148.50	297.00
Lumos - New Fiber in Beachwood			
Ciuni, Joseph	2.00	148.50	297.00
Meeting with SWCD - Lifetime Fitness Detention Basin			
Sr. Project Manager			
Fini, Nicholas	1.50	123.00	184.50
GASB 34			
Design Engineer			
Bartlett, Margaret	.50	105.50	52.75
Enbridge Pipeline Replacement SWP3			
Sr. Designer			
Woycitzky, Robert	7.00	88.75	621.25
GASB for 2024 Projects			
Totals	15.00		1,749.50
Total Labor			1,749.50
Total this Task			\$1,749.50
Total this Invoice			\$1,749.50

Outstanding Invoices

Number	Date	Balance
1	2/14/2025	988.50
Total		988.50

APPROVED FOR PAYMENT
BY: *[Signature]*
DATE: 3-21-25
P/O: 2025-00117

AKRON / ATLANTA / CLEVELAND / COLUMBUS / DALLAS / HOUSTON
INDIANAPOLIS / LOUISVILLE / PHOENIX / PITTSBURGH / SEATTLE / YOUNGSTOWN
Net 30 days.

Project	2025119.01	Beachwood - General Engineering	Invoice	2
---------	------------	---------------------------------	---------	---

Billings to Date

	Current	Prior	Total
Labor	1,749.50	988.50	2,738.00
Totals	1,749.50	988.50	2,738.00



GPD Associates Invoices

BILLING SUMMARY INPUT WORKSHEET

INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	TOTAL COST
02/14/25	2025119.01-1	2025119.01	01/31/25	BUILDING	\$988.50
03/14/25	2025119.01-2	2025119.01	02/28/25	BUILDING	\$1,749.50

\$2,738.00



Mail Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

RECEIVED
 APR 04 2025
 FINANCE DEPT
Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 accounts@beachwoodohio.com
 25325 Fairmount Blvd.
 Beachwood, OH 44122

March 14, 2025
 Invoice No: 2025119.02 - 3

Invoice Total	\$5,623.25
----------------------	-------------------

Project 2025119.02 Beachwood - 2025 Road Program
Professional Services from February 01, 2025 to February 28, 2025

Task 100 Design
Professional Personnel

	Hours	Rate	Amount
Project Principal			
Ciuni, Joseph	21.00	148.50	3,118.50
Sr. Project Manager			
Fini, Nicholas	10.50	123.00	1,291.50
Design Engineer			
Bartlett, Margaret	8.50	105.50	896.75
Hamkar, Mohammad Hassan	3.00	105.50	316.50
Totals	43.00		5,623.25
Total Labor			5,623.25

Total this Task \$5,623.25

Billing Limits	Current	Prior	To-Date
Total Billings	5,623.25	39,326.64	44,949.89
Limit			105,000.00
Remaining			60,050.11
Total this Invoice			\$5,623.25

Outstanding Invoices

Number	Date	Balance
2	2/14/2025	14,869.75
Total		14,869.75

APPROVED FOR PAYMENT
 BY: [Signature]
 DATE: 3-21-25
 P/O: 2025-00287

GPD Associates Invoices

BILLING SUMMARY INPUT WORKSHEET

INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	TOTAL COST
01/10/25	2025119.02-1	2025119.02	12/21/24	SERVICE	\$24,456.89
02/14/25	2025119.02-2	2025119.02	01/31/25	SERVICE	\$14,869.75
03/14/25	2025119.02-3	2025119.02	02/28/25	SERVICE	\$5,623.25

\$44,949.89



Mail Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

RECEIVED
 APR 04 2025
FINANCE DEPT
Invoice

City of Beachwood
 Attn: Larry Heiser, Finance Director
 accounts@beachwoodohio.com
 25325 Fairmount Blvd.
 Beachwood, OH 44122

March 14, 2025
 Invoice No: 2025119.03 - 1

Invoice Total \$861.00

Project 2025119.03 Beachwood - NEORS Compliance Plan
Professional Services from February 01, 2025 to February 28, 2025

Task 100 Prepare Compliance Plan
Professional Personnel

	Hours	Rate	Amount
Sr. Project Manager			
Hefner, Ashley	7.00	123.00	861.00
Totals	7.00		861.00
Total Labor			861.00
Total this Task			\$861.00

Billing Limits	Current	Prior	To-Date
Total Billings	861.00	0.00	861.00 ✓
Limit			4,500.00
Remaining			3,639.00
Total this Invoice			\$861.00 ✓

APPROVED FOR PAYMENT
 BY: *[Signature]*
 DATE: 3-21-25
 P/O: 2025-00117

GPD Associates Invoices

BILLING SUMMARY INPUT WORKSHEET

INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	TOTAL COST
03/14/25	2025119.03-1	2025119.03	02/28/25	BUILDING	\$861.00

\$861.00



Mail Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

RECEIVED

APR 04 2025

FINANCE DEPT

Invoice

City of Beachwood
Attn: Larry Heiser, Finance Director
accounts@beachwoodohio.com
25325 Fairmount Blvd.
Beachwood, OH 44122

March 14, 2025

Invoice No: 2025120.02 - 1

Invoice	\$1,652.50
Total	

Project 2025120.02 Beachwood - Fuchs Mizrahi School

Professional Services from February 01, 2025 to February 28, 2025

Task 100 Plan Review and Inspection as requested

Professional Personnel

	Hours	Rate	Amount	
Project Principal				
Ciuni, Joseph	5.00	148.50	742.50	
Sr. Engineer				
Gorman, Jacqueline	8.00	113.75	910.00	
Totals	13.00		1,652.50	
Total Labor				1,652.50
		Total this Task		\$1,652.50

Billing Limits

	Current	Prior	To-Date
Total Billings	1,652.50	0.00	1,652.50
Limit			10,000.00
Remaining			8,347.50

Total this Invoice \$1,652.50

Bldg
APPROVED FOR PAYMENT
BY: _____
DATE: 3-17-25
P/O: 2025-00051

GPD Associates Invoices

BILLING SUMMARY INPUT WORKSHEET

INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	TOTAL COST
03/14/25	2025120.02-1	2025120.02	02/28/25	BUILDING	\$1,652.50

\$1,652.52



Mail Payment To:
PNC Bank C/O Glaus Pyle Schomer Burns & DeHaven
Lockbox Number 952032
4100 W 150th St
Cleveland, OH 44135

RECEIVED

APR 04 2025

FINANCE DEPT
Invoice

City of Beachwood
Attn: Larry Heiser, Finance Director
accounts@beachwoodohio.com
25325 Fairmount Blvd.
Beachwood, OH 44122

*2024-01318
Beachwood Schools
Deposit*

March 14, 2025

Invoice No:

2024120.02 - 11

Invoice Total	\$297.00
----------------------	-----------------

Project 2024120.02 Beachwood - Beachwood City Schools

Professional Services from February 01, 2025 to February 28, 2025

Task 100 Bryden ES - Plan Review and inspection

Professional Personnel

	Hours	Rate	Amount
Project Principal			
Ciuni, Joseph	2.00	148.50	297.00
Totals	2.00		297.00
Total Labor			297.00

Total this Task \$297.00

Total this Invoice \$297.00

Billings to Date

	Current	Prior	Total
Labor	297.00	12,397.79	12,694.79
Totals	297.00	12,397.79	12,694.79

Btdg
APPROVED FOR PAYMENT
3-17-25
NO PD 783,000.53130

GPD Associates Invoices

BILLING SUMMARY INPUT WORKSHEET

INV DATE	INV #	PROJ NO.	ServiceThru Date	DEPT CHGD	TOTAL COST
02/09/24	2024120.02-1	2024120.02	01/26/24	BUILDING	\$1,615.50
03/08/24	2024120.02-2	2024120.02	02/23/24	BUILDING	\$297.00
04/12/24	2024120.02-3	2024120.02	03/29/24	BUILDING	\$2,748.38
05/10/24	2024120.02-4	2024120.02	04/26/24	BUILDING	\$752.00
06/13/24	2024120.02-5	2024120.02	05/31/24	BUILDING	\$1,674.63
07/12/24	2024120.02-6	2024120.02	06/28/24	BUILDING	\$1,333.38
08/09/24	2024120.02-7	2024120.02	07/26/24	BUILDING	\$219.25
09/13/24	2024120.02-8	2024120.02	08/30/24	BUILDING	\$1,994.51
10/11/24	2024120.02-9	2024120.02	09/27/24	BUILDING	\$1,365.01
10/31/24	2024120.02-10	2024120.02	10/25/24	BUILDING	\$398.13
03/14/25	2024120.02-11	2024120.02	02/28/25	BUILDING	\$297.00

\$12,694.79

CODE CONSULTATION & PLAN REVIEW SERVICES, LLC

RECEIVED

APR 04 2025

FINANCE DEPT

April 1, 2025

The City of Beachwood
Accounts Payable
P.O. Box 22659
Beachwood, OH 44122

RE: Building Department Plan Review

INVOICE FOR PROFESSIONAL SERVICES RENDERED:

Plan review for the month of March 2025
(See attached sheet for breakdown)

\$1,125.00

Total amount due

One Thousand One Hundred Twenty-Five Dollars

\$1,125.00

Please make check payable to "Code Consultation & Plan Review Services, LLC." Thank you.



Paul Kowalczyk, MPE #798

APPROVED FOR PAYMENT
BY: 
DATE: 4-3-25
P/O: 2025-00054

City of Beachwood
Plan Examination Services
March 2025 Invoice

Beachwood Plan Review No.:	PK Plan Review No.:	Project:	Time:	Charge:
2025-01424	BW25-08 3/9/25	Ahuja Nuc Med Equipment Replacement 3999 Richmond Road Interior Alterations	2 hours 30 min.	\$312.50
2025-01503	BW25-09 3/15/25	Funshi 2101 Richmond Road Interior Alterations	3 hours	\$375.00
2025-01424	BW25-10 3/20/25	Ahuja Nuc Med Equipment Replacement 3999 Richmond Road Fire Alarm System Alterations	30 min.	\$62.50
2025-00887	BW25-07.1 3/23/25	Cleveland Clinic 3050 Science Park Drive NI East Side Hub Interior Alterations - Revisions	30 min.	\$62.50
2025-01810	BW25-11 3/26/25	Lillibridge Facilities Development 3619 Park East Drive, Suite 311 Interior Alterations	2 hours 30 min.	\$312.50
Total:				\$1,125.00

Paul Kowalczyk, MPE #798

APR 07 2025

FINANCE DEPT

REMIT TO ADDRESS:

P.O. Box 5404
Akron, Ohio 44334
PHONE (330) 376-2700
FAX (330) 376-4577
RAMAIL@RALAW.COM

FEDERAL TAX ID: [REDACTED]

REMITTANCE PAGE

For Professional Services Rendered

whitney.crook@beachwoodohio.com
CITY OF BEACHWOOD
25325 FAIRMOUNT BLVD.
BEACHWOOD, OH 44122

PLEASE INDICATE INVOICE
NUMBER ON REMITTANCE

Invoice: 1489602
Client/Matter: 144096.0003
Billing Atty: RTH
February 28, 2025

Re: ROUTINE LEGAL SERVICES

Invoice Total

\$ 13,750.00

GO GREEN!

TO RECEIVE INVOICES BY EMAIL ONLY,
EMAIL US AT ramail@ralaw.com

Remit To Address:
Roetzel & Andress, LPA
P.O. Box 5404
Akron, OH 44334

APPROVED FOR PAYMENT
BY: [Signature]
DATE: 4/7/25
P.O. 2025-00166

You can process payments online at www.ralaw.com/about#online_payment_center. Beginning November 1, 2024, credit card payments will be subject to a 2.95% surcharge however this surcharge does not apply to other online payment forms such as debit cards or e-checks. For any future payment inquiries, please reach out via e-mail to 'Collections@RALaw.com' or by phone at 330-376-2700.

REMIT TO ADDRESS:

P.O. Box 5404
Akron, Ohio 44334
PHONE (330) 376-2700
FAX (330) 376-4577
RAMAIL@RALAW.COM

FEDERAL TAX ID 

REMITTANCE PAGE

For Professional Services Rendered

whitney.crook@beachwoodohio.com
CITY OF BEACHWOOD
25325 FAIRMOUNT BLVD.
BEACHWOOD, OH 44122

PLEASE INDICATE INVOICE
NUMBER ON REMITTANCE

Invoice: 1489603
Client/Matter: 144096.0005
Billing Atty: RTH
February 28, 2025

Re: SPECIAL LEGAL SERVICES

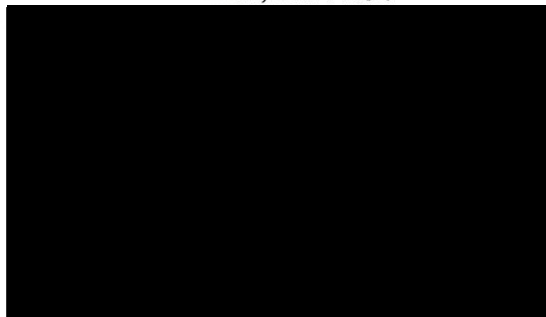
Invoice Total

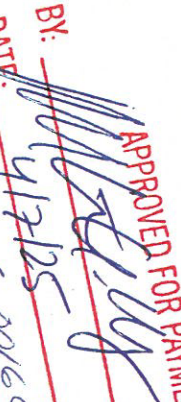
\$ 6,914.06

GO GREEN!

TO RECEIVE INVOICES BY EMAIL ONLY,
EMAIL US AT ramail@ralaw.com

Remit To Address:
Roetzel & Andress, LPA
P.O. Box 5404
Akron, OH 44334



APPROVED FOR PAYMENT
BY: 
DATE: 4/17/25
P/O: 2025-00166

You can process payments online at www.ralaw.com/about#online_payment_center. Beginning November 1, 2024, credit card payments will be subject to a 2.95% surcharge however this surcharge does not apply to other online payment forms such as debit cards or e-checks. For any future payment inquiries, please reach out via e-mail to 'Collections@RALaw.com' or by phone at 330-376-2700.

APR 07 2025

FINANCE DEPT

REMIT TO ADDRESS:

P.O. Box 5404
Akron, Ohio 44334
PHONE (330) 376-2700
FAX (330) 376-4577
RAMAIL@RALAW.COM

FEDERAL TAX ID: [REDACTED]

REMITTANCE PAGE

For Professional Services Rendered

whitney.crook@beachwoodohio.com
CITY OF BEACHWOOD
25325 FAIRMOUNT BLVD.
BEACHWOOD, OH 44122

PLEASE INDICATE INVOICE
NUMBER ON REMITTANCE

Invoice: 1489604
Client/Matter: 144096.0007
Billing Atty: RTH
February 28, 2025

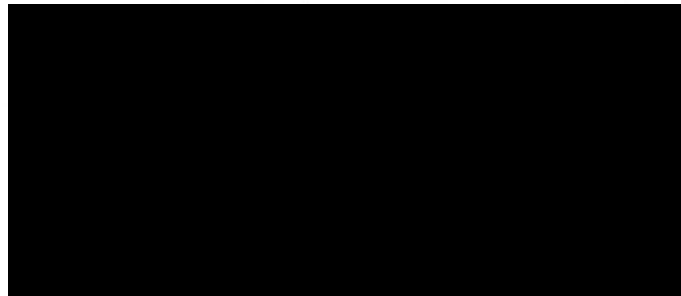
[REDACTED]
Invoice Total

\$ 134.00

GO GREEN!

TO RECEIVE INVOICES BY EMAIL ONLY,
EMAIL US AT ramail@ralaw.com

Remit To Address:
Roetzel & Andress, LPA
P.O. Box 5404
Akron, OH 44334



BN: [Signature]
DATE: 4/13/25
P/O: 8085-00166
APPROVED FOR PAYMENT

You can process payments online at www.ralaw.com/about#online_payment_center. Beginning November 1, 2024, credit card payments will be subject to a 2.95% surcharge however this surcharge does not apply to other online payment forms such as debit cards or e-checks. For any future payment inquiries, please reach out via e-mail to 'Collections@RALaw.com' or by phone at 330-376-2700.

REMIT TO ADDRESS:

P.O. Box 5404
Akron, Ohio 44334
PHONE (330) 376-2700
FAX (330) 376-4577
RAMAIL@RALAW.COM

FEDERAL TAX ID 

REMITTANCE PAGE
For Professional Services Rendered

whitney.crook@beachwoodohio.com
CITY OF BEACHWOOD
25325 FAIRMOUNT BLVD.
BEACHWOOD, OH 44122

PLEASE INDICATE INVOICE
NUMBER ON REMITTANCE

Invoice: 1493247
Client/Matter: 144096.0003
Billing Atty: RTH
March 27, 2025

Re: **ROUTINE LEGAL SERVICES**

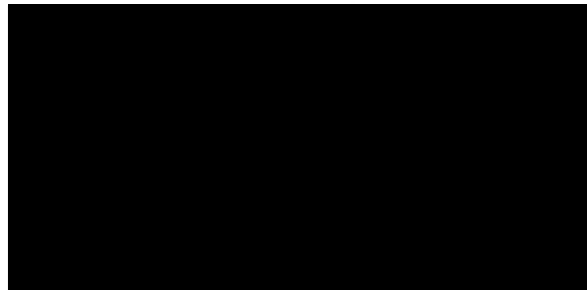
Invoice Total

\$ 10,780.00

GO GREEN!

TO RECEIVE INVOICES BY EMAIL ONLY,
EMAIL US AT ramail@ralaw.com

Remit To Address:
Roetzel & Andress, LPA
P.O. Box 5404
Akron, OH 44334

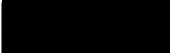


BI: 
DATE: 3/28/25
P/O: 2025-00166
APPROVED FOR PAYMENT

You can process payments online at www.ralaw.com/about#online_payment_center. Beginning November 1, 2024, credit card payments will be subject to a 2.95% surcharge however this surcharge does not apply to other online payment forms such as debit cards or e-checks. For any future payment inquiries, please reach out via e-mail to 'Collections@RALaw.com' or by phone at 330-376-2700.

REMIT TO ADDRESS:

P.O. Box 5404
Akron, Ohio 44334
PHONE (330) 376-2700
FAX (330) 376-4577
RAMAIL@RALAW.COM

FEDERAL TAX ID 

REMITTANCE PAGE
For Professional Services Rendered

whitney.crook@beachwoodohio.com
CITY OF BEACHWOOD
25325 FAIRMOUNT BLVD.
BEACHWOOD, OH 44122

PLEASE INDICATE INVOICE
NUMBER ON REMITTANCE
Invoice: 1493248
Client/Matter: 144096.0004
Billing Atty: RTH
March 27, 2025

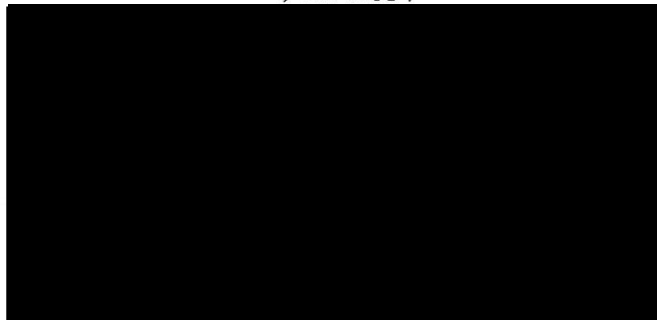
Re: **EXCESS ROUTINE LEGAL SERVICES**

Invoice Total

\$ 1,398.00

GO GREEN!
TO RECEIVE INVOICES BY EMAIL ONLY,
EMAIL US AT ramail@ralaw.com

Remit To Address:
Roetzel & Andress, LPA
P.O. Box 5404
Akron, OH 44334



BY: 
DATE: 4/11/2025
P/O: 2005-00166
APPROVED FOR PAYMENT

You can process payments online at www.ralaw.com/about#online_payment_center. Beginning November 1, 2024, credit card payments will be subject to a 2.95% surcharge however this surcharge does not apply to other online payment forms such as debit cards or e-checks. For any future payment inquiries, please reach out via e-mail to 'Collections@RALaw.com' or by phone at 330-376-2700.



RECEIVED
APR 04 2025
FINANCE DEPT

REMIT TO ADDRESS:

P.O. Box 5404
Akron, Ohio 44334
PHONE (330) 376-2700
FAX (330) 376-4577
RAMAIL@RALAW.COM

FEDERAL TAX ID [REDACTED]

REMITTANCE PAGE

For Professional Services Rendered

whitney.crook@beachwoodohio.com
CITY OF BEACHWOOD
25325 FAIRMOUNT BLVD.
BEACHWOOD, OH 44122

PLEASE INDICATE INVOICE
NUMBER ON REMITTANCE

Invoice: 1493249
Client/Matter: 144096.0005
Billing Atty: RTH
March 27, 2025

Re: SPECIAL LEGAL SERVICES

Invoice Total

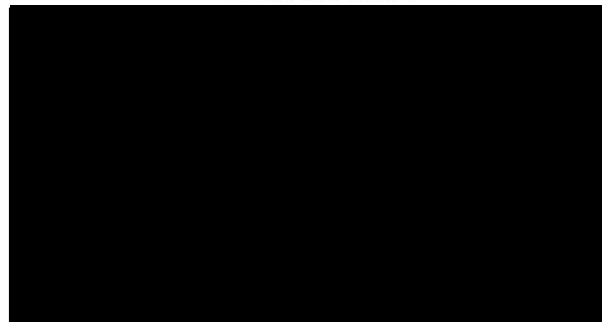
\$ 6,639.60

GO GREEN!

TO RECEIVE INVOICES BY EMAIL ONLY,

EMAIL US AT ramail@ralaw.com

Remit To Address:
Roetzel & Andress, LPA
P.O. Box 5404
Akron, OH 44334



BY: [Signature]
DATE: 3/28/25
P/O: [Signature]
APPROVED FOR PAYMENT

You can process payments online at www.ralaw.com/about#online_payment_center. Beginning November 1, 2024, credit card payments will be subject to a 2.95% surcharge however this surcharge does not apply to other online payment forms such as debit cards or e-checks. For any future payment inquiries, please reach out via e-mail to 'Collections@RALaw.com' or by phone at 330-376-2700.



RECEIVED

APR 04 2025

Invoice

FINANCE DEPT

Date 3/31/2025
Invoice # PE1079

Remit Payment to :

Sixmo Architecture
204 Front Street
Marietta, OH 45750

Bill To

City of Beachwood
25325 Fairmount Blvd
Beachwood, OH 44122

Project

Beachwood Plan Exams 2025

For questions regarding this invoice :

Contact Sheree Wilson at 740-809-2400 ext. 118

P.O. Number

Payment Terms

Net 30

Description	Prior Billed	Current Billing
v112280 - Bryden Elem bulletins 1-6		250.00
v112280 - Hilltop Elem FA		250.00
v112280 - Bryden Elem FA		250.00

Total Due : **\$750.00**

APPROVED FOR PAYMENT
BY: [Signature]
DATE: 4-3-25
P/O: 2025-00054



ARCHITECTURE

PLAN EXAMINATION FEE CALCULATION

City of Beachwood

25325 Fairmount Blvd

Brian Roenigk, Building Commissioner

Plan Review / Invoice No.: v112280

Plans Examiner: Teila C. Lovell, Master Plans Examiner, ID # 871
Remit Payment to: **SIXMO Architecture 204 Front Street, Marietta, Ohio 45750**

Date of 5th Review: March 4, 2025 Bulletins 1-6

Project Name: Bryden Elementary
Project Address: 25501 Bryden Road
Project Description: New Construction
Area of Work: 66,701 sq. ft.

Initial Submittal:

Initial Review Date: _____

_____ hours @ \$125.00 \$ _____

Estimated Reimbursables: \$ _____

Sub-Total \$ 0.00

Subsequent Review:

Review Date: March 4, 2025

2 hours @ \$125.00 \$ 250.00

Estimated Reimbursables: \$ _____

Sub-Total \$ 250.00

Current Grand Total \$ 250.00



Brian Roenigk, Building Commissioner

Project Name: Bryden Elementary
Project Address: 25501 Bryden Road
Project Description: Fire Alarm
Area of Work: 66,701 sq. ft.

Sub-Total	\$	250.00
-----------	----	--------

Sub-Total	\$	0.00
-----------	----	------

Page 43 of 101



Brian Roenigk, Building Commissioner

Project Name: Hilltop Elementary
Project Address: 24524 Hilltop Drive
Project Description: Fire Alarm
Area of Work: 62,901 sq. ft.

Sub-Total	\$	250.00
-----------	----	--------

Sub-Total	\$	0.00
-----------	----	------

Page 44 of 101

RECEIVED

MAR 28 2025

FINANCE DEPT

MR. EXCAVATOR, INC.
8616 EUCLID CHARDON RD.
KIRTLAND, OH 44094

DATE: March 7, 2025
ESTIMATE NO: 5 Final
PERIOD FROM: May 1, 2024
PERIOD TO: May 31, 2024
OWNER: City of Beachwood

FOR
THE CITY OF BEACHWOOD
PLAYGROUND CONSTRUCTION
PROJECT 2023119.05

Total Amount of Original Contract	\$1,061,286.82
Extra Work and Overruns Approved to Date	\$0.00
Total Credits to Contract	\$19,707.71
Total Revised Contract Amount	\$1,080,994.53

Total Contract Work to Date	\$1,080,994.53
Less 10% Retainer	\$0.00
Less Previous Payments	\$926,864.59
Amount Due This Estimate	\$154,129.95

MR. EXCAVATOR, INC.

Date March 19, 2025

By 
James O'Loughlin, Controller

We hereby certify that this estimate represents a true and correct amount for this project as determined by the City of Beachwood Inspector.

GPD Group

Date 03-27-2025

By Joe Ciuni
Joe Ciuni, P.E., P.S. City Engineer

Digitally signed by Joe Ciuni
DN: cn=US, email=jciuni@gpdgroup.com, o=GPD Group, cn=Joe Ciuni
Date: 2025.03.27 15:30:04-0400

Approved

Date 3-27-25

By 
CITY OF BEACHWOOD

NOTE: Partial payments made as the work progresses shall in no way be considered as an acceptance of any portion of the labor or material embraced in the contract.



GPD GROUP
Glaus, Pyle, Schomar, Burns & DeHaven, Inc.

Architects|Engineers|Planners
www.gpdgroup.com
1-800-955-4731

LETTER OF TRANSMITTAL

Attention Larry Heiser Date 03-27-2025 Job No 2023119.50
To City of Beachwood Re Playground Construction – Pay Application
25325 Fairmount Blvd.
Beachwood, Ohio 44122

WE ARE SENDING YOU

- ☒ Attached ☐ Under separate cover via _____ the following items:
☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ Seplas ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1	03-27-2025		Mr. Excavator's Certification for Payment of Pay App #5 Final
1	03-27-2025		Mr. Excavator's Pay App #5 with Schedule of Values
1	03-27-2025		Affidavit of Compliance – Prevailing Wages
1	03-27-2025		Affidavit of Subcontractor
1	03-27-2025		Affidavit and Waiver of Lien – Full and Final
1	03-27-2025		Maintenance Bond
1	03-27-2025		Consent of Surety

THESE ARE TRANSMITTED as checked below:

- ☐ For compliance ☒ Approved ☐ Submit _____ copies for distribution
☒ For your use ☐ Approved as noted ☐ Return _____ corrected documents
☐ As requested ☐ Revise & resubmit ☐ PRINTS RETURNED AFTER LOAN TO US
☐ For review and comment ☐ Rejected ☐ _____
☐ **FOR BIDS DUE** _____ **20**____

REMARKS:

Mr. Heiser,
Attached is Mr. Excavator's Application for Payment #5 Final for the Playground Construction. We have
Certified that this estimate represents a true and correct amount for this project. Certified Payroll have been
submitted and reviewed. Please process at your earliest convenience.

Copy to file _____ Signed Alicia Villers

If enclosures are not as noted, kindly notify us at once.

Alicia Villers/GPD Group

BEACHWOOD PUBLIC WORKS DEPARTMENT INTER-OFFICE MEMORANDUM

TO: Mayor Justin Berns

FR: Chris Arrietta, Public Works Director

DT: April 10, 2025

RE: Council Agenda Item: Chagrin Resurfacing Project **PID 123485, CUY US 422 09.00**

The Northeast Ohio Areawide Coordinating Agency (NOACA) has approved \$4,800,000 in Transportation Improvement Program (TIP) funding for the resurfacing of Chagrin Blvd. from the west corporation line to Richmond Road, including the portion in the Village of Highland Hills. The project includes pavement base repairs, catch basin repair, curb repair, ADA curb ramp replacements and pavement markings.

The City of Beachwood will be taking the lead on the design and construction administration costs of this project. Based on the estimate set from NOACA, The City of Beachwood's estimated funding portion for this project will be \$860,000. Legal agreements between the Village of Highland Hills and Beachwood will be fully executed detailing the breakdown in costs.

Since this is a federal-aid project, the City of Beachwood must select an Ohio Department of Transportation prequalified consultant in accordance with State Law to prepare these plans. Therefore, Public Works is requesting permission to start the Request for Qualifications (RFQ) process and move forward with hiring an ODOT, pre-qualified engineering firm to provide design services for this project. This will be an ODOT managed project and will be scheduled for fiscal year 2026 and 2027. Phasing of this project will be determined at the Scope of Services Meeting.



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City Planning Commission**

**Wesley Kays, Councilman, Ward 36,
City of Cleveland**

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COREA**

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Director, Ohio Turnpike and
Infrastructure Commission

District Chief, Northwest District
OPWA, Ohio Environmental
Protection Agency

Grace Gallucci, Executive Director & CEO

March 9, 2023

The Honorable Justin Berns
Mayor, City of Beachwood
25325 Fairmount Boulevard
Beachwood, Ohio 44122

RE: NOACA 2024-2027 Transportation Improvement Program (TIP) Funding Award
and Agreement

Dear Mayor Berns:

Congratulations! The Northeast Ohio Areawide Coordinating Agency (NOACA) Board of Directors approved the NOACA funded portion of the State Fiscal Year 2024-2027 Transportation Improvement Program (TIP). We are pleased to inform you that the following project was selected for funding as it represents an alignment of NOACA and community priorities toward the implementation of the region's eNEO 2050 long-range plan.

Project Name	NOACA Funding	SFY
US-422 (Helen Rd. to Richmond Rd. (SR-175))	\$4,800,000 (80% STBG)	2027

NOACA will provide eligible construction costs, up to the maximum amount in the specified State Fiscal Year of implementation. The local share must be provided from a non-federal funding source.

This funding award represents a partnership between your community and NOACA to implement the stated project. Enclosed with this letter are 'Sponsor Partnership Responsibilities' that the project sponsor must agree to as a condition of accepting funding. Please read all of the conditions carefully, sign, and return as soon as possible. After we receive your signed acknowledgement of Sponsor Partnership Responsibilities, NOACA will work with the appropriate state and federal agencies to program the project in the TIP for the stated funding amount and indicated year of implementation.

If you have any questions, please do not hesitate to call me at (216) 241-2414, Ext. 100. Also, your staff may contact Ed May at (216) 241-2414 ext. 287 or by email at emay@mpo.noaca.org. On behalf of NOACA, we are excited to be a partner toward the successful planning and implementation of your project.

Respectfully,

Grace Gallucci
Executive Director & CEO

CC: Chris Arrietta, Director of Public Works, City of Beachwood

INTRODUCED BY:

AMENDED ORDINANCE NO. 2024-82

AN ORDINANCE REZONING 23250 CHAGRIN BOULEVARD, BEACHWOOD, OHIO (PPN# 742-23-002), FROM U-7A GENERAL OFFICE BUILDING DISTRICT TO U-3C PLANNED MULTI-FAMILY RESIDENTIAL DISTRICT

WHEREAS, Beachwood Office, LLC (the “Applicant”) has requested the rezoning of 23250 Chagrin Boulevard, Beachwood, Ohio (PPN# 742-23-002), from U-7A General Office Building District to U-3C Planned Multi-Family Residential District; and

WHEREAS, on December 16, 2024, Council placed the rezoning request on first reading and referred it to the Planning and Zoning Commission for study, report, and recommendation in accordance with BCO 1107.01; and

WHEREAS, the Planning and Zoning Commission reviewed the request and recommended approval of the rezoning, contingent upon the final approval of a 10-foot variance to permit a building height of 75 feet in lieu of the 65 feet permitted under Zoning Code Section 1118.04(c); and

WHEREAS, following the Commission’s recommendation, Council placed the proposed rezoning on second reading and scheduled a public hearing to occur after the required 30-day notice period; and

WHEREAS, a duly advertised public hearing was held on April 7, 2025, at Beachwood City Hall, Council Chambers; and

WHEREAS, this Ordinance shall be read by Council on three separate occasions, and Council now recommends approval of the rezoning request.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: The Council of the City of Beachwood hereby approves the rezoning of 23250 Chagrin Boulevard, Beachwood, Ohio (PPN# 742-23-002), from U-7A General Office Building District to U-3C Planned Multi-Family Residential District.

Section 2: This Council hereby approves the Applicant’s proposed 10-foot variance for building height in accordance with Zoning Code Section 1118.04(c).

Section 3: Upon final approval of the rezoning and variance, the Applicant shall be required to submit an application for Preliminary Site Plan Approval to the Planning and Zoning Commission for its report and recommendation to Council.

Section 4: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

AMENDED ORDINANCE NO. 2024-82

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 21st day of April, 2025 and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the ____ day of April, 2025.

Clerk

Approval: I have approved this legislation this ____ day of April, 2025 and filed it with the Clerk.

Mayor

Diane A. Calta
dcalta@mggmlpa.com
Direct Dial: 216-453-5901

November 19, 2024
**REVISED AND UPDATED
DECEMBER 30, 2024**

Alec Isaacson, President
City of Beachwood Council
c/o Whitney.Crook@beachwoodohio.com
25325 Fairmount Boulevard
Beachwood, Ohio 44122

Bryan Zabell, Chairman
City of Beachwood
Planning & Zoning Commission
c/o Veronica.Muth@beachwoodohio.com
25325 Fairmount Boulevard
Beachwood, Ohio 44122

Re: ***Beachwood Office, LLC
Rezoning Request and Preliminary Site Plan Review Application
Commerce Park Building V
23250 Chagrin Boulevard, Beachwood, Ohio 44122***

Dear President Isaacson and Chairman Zabell and Members of City Council and the Planning and Zoning Commission:

Please accept this letter as part of Beachwood Office LLC's rezoning request and preliminary site plan review application for the proposed redevelopment of the property located at 23250 Chagrin Boulevard. The Applicant, Beachwood Office LLC, is owned by Stewart Wangard of Wangard Partners, Inc. Wangard Partners, Inc. is a commercial real estate investment company, established in 1992, that partners with high net worth and industrial investors to acquire, develop and manage multifamily, industrial, retail and office properties. Information about Mr. Wangard is attached to this letter and can be found at <https://www.wangard.com/stewart-wangard>.

The property is approximately 3.583 acres and currently contains a four (4) story commercial office building. A copy of the legal description is attached to this letter. The Applicant previously proposed and was granted a conditional use permit by the Planning & Zoning Commission, which was confirmed by City Council, for use of the existing building for residential purposes above the first floor. For reference, see Beachwood Ordinance 2023-145.

INITIALLY THE APPLICANT PROPOSED THE FOLLOWING:

However, at this time after continued due diligence, the Applicant is instead proposing to tear down the existing four (4) story commercial office building and replace it with a new building named 'Icon East' to accommodate about 120 residential apartments. The building will have total square footage of approximately 136,000. The height of the building will be 6 stories and approximately 75 feet high. In order to facilitate this redevelopment, the Applicant is requesting that the property be rezoned to U-3C, planned multi-family residential, which is the same zoning as its neighboring property to the west and similar to the zoning of the property to its north across Chagrin Boulevard, which is zoned U-3, multi-family residential.

APPLICANT IS NOW PROPOSING A SLIGHTLY MODIFIED PLAN:

After continued and further due diligence and refinement of its preliminary site plan, the Applicant is still proposing to tear down the existing four (4) story commercial office building and replace. However, it will now be replaced with a new three building complex called 'Icon East' to accommodate 180 residential apartments. The buildings will have total square footage of approximately 174,000 square feet. The height of the building will be 6 stories and approximately 75 feet high. In order to facilitate this development, the Applicant is requesting that the property be rezoned to U-3C, planned multi-family residential, which is the same zoning as its neighboring property to the west and similar to the zoning of the property to its north across Chagrin Boulevard, which is zoned U-3, multi-family residential.

The development will include residential amenities such as an outdoor pool, exercise facility, dog park and pickle ball courts. Overall, the investment in this building, including site acquisition and development will be in the multi-million dollar range. This redevelopment will result in additional real estate taxes paid to the school district and the City. In addition, for those residents that choose to live and work in the City, additional income taxes will be generated for the City.

Representatives of the Applicant will be able to explain the requested rezoning and preliminary site plan and how it relates to the site and surrounding properties in greater detail at the time of the required review meetings; however, we believe that if the rezoning and preliminary site plan are recommended for and approved, this new building will benefit further redevelopment in Commerce Park and be another five star amenity that the City of Beachwood can offer to current and future residents.

Hopefully, this overview offers good insight for the City's consideration of the proposed rezoning and preliminary site plan review being requested. We look forward to presenting this information in person to the City Council and the Planning & Zoning Commission, at which time the information mentioned herein can be more fully discussed in detail.

Very truly yours,

Diane A. Calta

Diane A. Calta

City of Beachwood
November 19, 2024 UPDATED AND REVISED December 30, 2024
Page 3

DAC

Enclosure

cc: James B. Heller
Timothy J. Voeller
Stewart Wangard
Ron Tannenbaum



STEWART WANGARD

Executive Chairman

Stewart Wangard has developed a sterling reputation as a leading developer throughout the Midwest. With over four decades in the real estate industry, Stu has been involved in over \$3 billion in real estate.

LinkedIn

As Executive Chairman of Wangard Partners, Stewart maintains his **vision** of total commitment to the highest industry standards with every project and investment. He believes in building valued partnerships by bringing together key stakeholders in the community to ensure success.

The firm is uniquely positioned as a leader in the commercial real estate industry as a result of its diversity in **asset classes**. Wangard is a leader in the development of large and

complex mixed-use projects and utilizes a tight-knit network of leading specialists for mixed-use projects within North America.

Stu is a member of the [National NAIOP Board of Directors](#). Additionally, he is a member of the national tax and finance committee, served as a previous director of the infrastructure and environment committee, and participates as a guest lecturer at NAIOP national conferences.

FEATURED ARTICLES

- [Nicholas Ganos, MBA. Director of Investor Relations.](#)
- [Wangard Partners Extends Ownership To Key Employees in 2022](#)
- [Wangard Partners Receives Energy Star Label For Wauwatosa, WI Office](#)

CUYAHOGA COUNTY FISCAL OFFICER
742-23-002 *Robert Chambers* 8/4/2022 7:
I-08112022-11
BEACHWOOD OFFICE, LLC Tax Dist. 3020
Limited Warranty LUC: 4490 EX:
Sale Amt: \$ 1,927,222.00 LAND: 730,400
Conv. Fee: \$ 7,709.20 BLDG: 4,104,200
LORRAINE JENKINS TIT TOTAL: 4,834,600

CUYAHOGA COUNTY
OFFICE OF FISCAL OFFICERS - 3
DEED 8/11/2022 11:20:51 AM
202208110304



LIMITED WARRANTY DEED

THIS INDENTURE, made as of June 8, 2022 between **RSS WFRBS2012-C6 – OH CP, LLC**, an Ohio limited liability company ("**Grantor**"), whose address is c/o Rialto Capital Advisors, LLC, 200 S. Biscayne Boulevard, Suite 3550, Miami, Florida 33131, in favor of **BEACHWOOD OFFICE LLC**, a Wisconsin limited liability company ("**Grantee**"), whose tax mailing address is 1200 North Mayfair, Suite 410, Milwaukee, Wisconsin 53226:

WITNESSETH THAT:

Grantor, for and in consideration of the sum of Ten and No/100 U.S. Dollars (\$10.00), lawful money of the United States of America, to it in hand paid by Grantee, at or before the unsealing and delivery of these presents, the receipt of which is hereby acknowledged, grants, with limited warranty covenants, unto Grantee and its successors and assigns forever, the parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the County of Cuyahoga, State of Ohio, and more particularly described on the attached **Exhibit A** (the "**Property**").

Commonly known as: 23250 Chagrin Boulevard, Beachwood, Ohio

Permanent Parcel Numbers: 742-23-002, 742-23-010

Prior Instrument Reference: Limited Warranty Deed recorded on March 12, 2021 as Instrument Number 202103121134 of the Cuyahoga County, Ohio Records.

Subject however, to:

- (a) Real property taxes and assessments for the year 2022 and thereafter;
- (b) Zoning and other regulatory laws and ordinances affecting the Property;
- (c) Matters which would be disclosed by an accurate survey; and
- (d) Easements, rights of way, limitations, conditions, covenants, restrictions, and other matters of record.

This is an Ohio statutory form limited warranty deed.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Grantor has caused these presents to be executed and delivered as of the date first above written.

GRANTOR:

RSS WFRBS2012-C6 – OH CP, LLC, an Ohio limited liability company

By: Rialto Capital Advisors, LLC, a Delaware limited liability company, its manager

By: _____
Name: ADAM SINGER
Title: Managing Director

STATE OF FLORIDA)
) SS.
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 1st day of June, 2022 by Adam Singer, as Managing Director of Rialto Capital Advisors, LLC, a Delaware limited liability company, as manager of **RSS WFRBS2012-C6 – OH CP, LLC**, an Ohio limited liability company, on behalf of the company. He ☒ is personally known to me or ☐ has produced a driver's license as identification.

Notary Public
Print Name: _____
Serial No. (if any): _____
 Stacy A Kilbane
Comm.: HH224188
Expires: Feb. 3, 2026
Notary Public - State of Florida

This document prepared by:
RSS WFRBS2012-C6 – OH CP, LLC
200 S. Biscayne Boulevard, Suite 3550, Miami, Florida 33131

EXHIBIT A

LEGAL DESCRIPTION

The Land referred to herein below is situated in the County of Cuyahoga, State of Ohio, and is described as follows:

Parcel No. 2:

Situated in the City of Beachwood, County of Cuyahoga and State of Ohio, and known as being part of Parcel No. 1 of the Commerce Park Development as recorded in Volume 185 of Maps, Pages 73, 74 and 75 of Cuyahoga County Records, and further known as part of Original Warrensville Township Lot No. 58, and bounded and described as follows:

Beginning, at the Northwestern corner of said Parcel No. 1, which point is in the Easterly side line of Green Road, 80 feet wide;

thence North 89° 58' 52" East along a Northerly line of said Parcel No. 1, 496 feet to the principal place of beginning of the parcel herein described;

Course 1: thence continuing North 89° 58' 52" East, 49.37 feet to a point;

Course 2: thence North 0° 14' 28" West, 267 feet to a point;

Course 3: thence North 89° 58' 52" East, 250.28 feet to a point;

Course 4: thence South 0° 14' 28" East, 427 feet to a point on the Northerly side of Commerce Park Road, 60 feet wide;

Course 5: thence South 89° 58' 52" West along the Northerly side line of Commerce Park Road 30 feet to an angle point therein;

Course 6: thence South 0° 14' 28" East along a Westerly side line of Commerce Park Road, 144.04 feet to a point;

Course 7: thence South 89° 45' 32" West, 269.24 feet to a point;

Course 8: thence North 0° 14' 28" West, 305.08 feet to the principal place of beginning.

Parcel No. 3:

Appurtenant Easement Rights as contained in a Reciprocal Easement Agreement by and among Four C.P.S. Company, Ltd., Three Commerce Park Square Company and Young Office Center walkways and driveways, parking and utility purposes, dated May 12, 1982 and filed for record on June 23, 1982 in Volume 15647, Page 547 of Cuyahoga County Records and ratified in a Ratification of Reciprocal Easement Agreement dated May 12, 1982 and filed for record on May 2, 1985 in Volume 85-1877, Page 46 of Cuyahoga County Records.

P.P.N. 742-23-010, 742-23-002



25325 Fairmount Blvd • Beachwood, Ohio 44122

Phone (216) 292-1914 • Fax (216) 292-1917

PLANNING & ZONING APPLICATION

Form must be completed or will not be processed

APPLICATION DATE: 11/19/2024

OWNER OF BUILDING: Beachwood Office LLC PHONE: 414-777-1200

STREET ADDRESS: 1200 N. Mayfair Road, Suite 410

CITY/STATE/ZIP: Milwaukee WI 53226

APPLICANT: Beachwood Office LLC PHONE: 216-469-1924

COMPANY OR FIRM: c/o James B. Heller Consulting

EMAIL: JBHellerconsulting@gmail.com

STREET ADDRESS: 24407 Tunbridge Lane

CITY/STATE/ZIP: Beachwood OH 44122

PRESENTER(S) TO APPEAR AT THE P&Z MEETING (include name & email address):

James B. Heller - JBHellerconsulting@gmail.com / Ron Tannenbaum - RDL Architects
ront@rdlarchitects.com / Diane A. Calta - DCalta@mkgmlpa.com

DESCRIPTION OF THE PROPERTY:

ADDRESS: 23250 Chagrin Blvd, Beachwood OH 44122 SUITE # N/A

TENANT NAME: N/A

PERMANENT PARCEL # 742 - 23 - 002 PRESENT USE: U-7A PROPOSED USE: U-3C

PURPOSE OF APPLICATION: to rezone the parcel to accommodate residential apartments
and various related amenities to be utilized by the apartments

NATURE OF THE REQUEST (check as many as apply):

- ☒ Preliminary site plan approval
- ☐ Final site plan approval
- ☐ Lot split
- ☐ Lot consolidation
- ☐ Conditional use permit
- ☒ Rezoning
- ☐ Zoning text amendment
- ☐ Other _____
- ☐ Request for a variance.

Must provide a "Box Score" indicating permitted area, distance, etc. and requested area, distance, etc. with application.
Please explain reason for variance (must indicate a hardship):

Are there any special issues regarding this application that should be brought to the attention of the Planning Commission and Staff? If so, please explain. Same zoning request as the adjacent project

***** (OVER) CONTINUED ON BACK *****

Planning & Zoning Submission Requirements:

- Attach site plan of the proposed development with details such as square footage, height, purpose.
- Attach an aerial photo depicting the property and surrounding area (these are available online via County Auditor's GIS website or Google Earth).
- Attach copy of the Auditor's Report from the Cuyahoga County website indicating the real estate taxes for the property have been paid on a current basis.
- Any Planning & Zoning application which requires Council approval must have a representative attend the scheduled Council meeting.

Planning & Zoning Submission Filing Fees & Deposits:

A non-refundable filing fee in the amount of thirty-five dollars (\$35.00) shall be paid to the City for each application submitted to the Planning and Zoning Commission; and...

A cash fee in the amount set forth in the following schedule shall be submitted in addition to the filing fee listed in subsection (a) hereof, at the time of application to the Planning and Zoning Commission and/or Council:

	Zoning District	Fee
(1)	U-1, A-1 / U-1, A-2 / U-2 / U-2A / Variances Includes all applications to the Planning Commission and/or Council except applications for lot splits and/or consolidations plats, easement applications, and any application required to be recorded with the County Recorder's Office.	\$300.00
(2)	All other Zoning Districts for site development plan review (new building/addition)	\$5,000.00
(3)	All lot split and/or consolidation plats, easements, and any application required to be recorded with the County Recorder's Office	\$1,500.00
(4)	For all Zoning Districts, excepting U-1, A-1/U-1, A-2/U-2/ and U-2A, all other applications, including, but not limited to: special use permits, conditional use permits, variances, text amendments, or similar or harmonious use	\$750.00
(5)	Map Amendment	\$2,500.00

We, the building owner and/or applicant, with our signature below, hereby agree to follow specifically the plans submitted to and approved by the Planning and Zoning Commission and do agree to construct said building(s) as depicted on said approved plans.


SIGNATURE

Stewart M. Wangard
PRINTED NAME

11-18-2024
DATE

*****OFFICE USE ONLY*****

PLANNING & ZONING COMMISSION - P&Z No. _____ MEETING DATE: _____

FEE: _____ RECEIPT # _____ AMOUNT \$ _____ DATE PAID _____

Preliminary Approval: _____
Date

Final Approval: _____
Date

Recommendation to Council: ☐ YES ☐ NO Meeting Date: _____

Building Department
Brian Roenigk, Building Commissioner
Phone (216) 292-1914 • Fax (216) 292-1917



CUYAHOGA COUNTY, *Ohio*

MyPlace

Manufactured Home Current Tax balance (2024 pay 2024) is available by clicking the "Pay Your Taxes Online" link below.

Search

City Search By ☐ Owner ☒ Parcel ☐ Address[View Map](#)

PROPERTY DATA

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LEGAL RECORDINGS

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ACTIVITY

[Informal Reviews](#)[Board of Revisions Cases](#)

Primary Owner

BEACHWOOD OFFICE, LLC

Property Address

23250 Chagrin BLVD Beachwood, OH 44122

Tax Mailing Address

BEACHWOOD OFFICE, LLC 1200 N MAYFAIR SUITE 410 MILWAUKEE, WI 53226

Description

58 COMMERCE PARK DEV 0001 EMP 74223010

Property Class

OFFICE BUILDINGS - 3 OR MORE STORIES (ELEVATOR)

Parcel Number

742-23-002

Taxset

Beachwood

Tax Year

2023 Pay 2024 ▼

Summary By Tax Year 2023 Pay 2024

Please use the Pay Your Taxes Online to pay your tax bill for the current tax year

Assessed Values

Land Value	\$255,640
Building Value	\$427,420
Total Value	<u>\$683,060</u>
Homestead Value	\$

Half Year Charge Amounts

Gross Tax	\$41,567.62
Less 920 Reduction	<u>\$14,769.30</u>
Sub Total	\$26,798.32
Non-business Credit	\$.00
Owner Occupancy Credit	\$.00
Homestead Reduction	\$.00
Total Assessments	<u>\$150.12</u>
Half Year Net Taxes	<u>\$26,948.44</u>

Market Values

Land Value	\$730,400
Building Value	<u>\$1,221,200</u>
Total Value	<u>\$1,951,600</u>

Rates

Full Rate	123.26
920 Reduction Rate	.350798
Effective Rate	80.020588

Flags

Owner Occupancy Credit	N
Homestead Reduction	N
Foreclosure	N
Cert. Pending	N
Cert. Sold	N
Payment Plan	N

Escrow

Escrow	N
Payment Amount	\$.00

Tax Balance Summary**Charges****\$53,896.86****Payments****\$53,896.86****Balance Due****\$.00****2023 (pay in 2024) Charge and Payment Detail**

Taxset	Charge Type	Charges	Payments	Balance Due
Beachwood				
	1st half tax	\$26,798.32	\$26,798.32	\$.00
	1ST HALF BALANCE	\$26,798.32	\$26,798.32	\$.00
	2nd half tax	\$26,798.32	\$26,798.32	\$.00
	2ND HALF BALANCE	\$26,798.32	\$26,798.32	\$.00
C100030C-SEWER MAINTENANCE				
	1st half tax - 2023	\$75.06	\$75.06	\$.00
	1ST HALF BALANCE	\$75.06	\$75.06	\$.00
	2nd half tax - 2023	\$75.05	\$75.05	\$.00
	2ND HALF BALANCE	\$75.05	\$75.05	\$.00
C100030S-Sewer Maintenance				
	1st half tax - 2023	\$75.06	\$75.06	\$.00
	1ST HALF BALANCE	\$75.06	\$75.06	\$.00
	2nd half tax - 2023	\$75.05	\$75.05	\$.00
	2ND HALF BALANCE	\$75.05	\$75.05	\$.00

Charges	Payments	Balance Due
---------	----------	-------------

Total Balance

\$53,896.86 \$53,896.86 \$0.00

Amount Due**\$0.00**

(May include interest charges and/or 2024

Special Assessments due in 2025. Call

(216) 443-7420, option 1, for assistance.

Please see Special Assessment

Information.)

Top

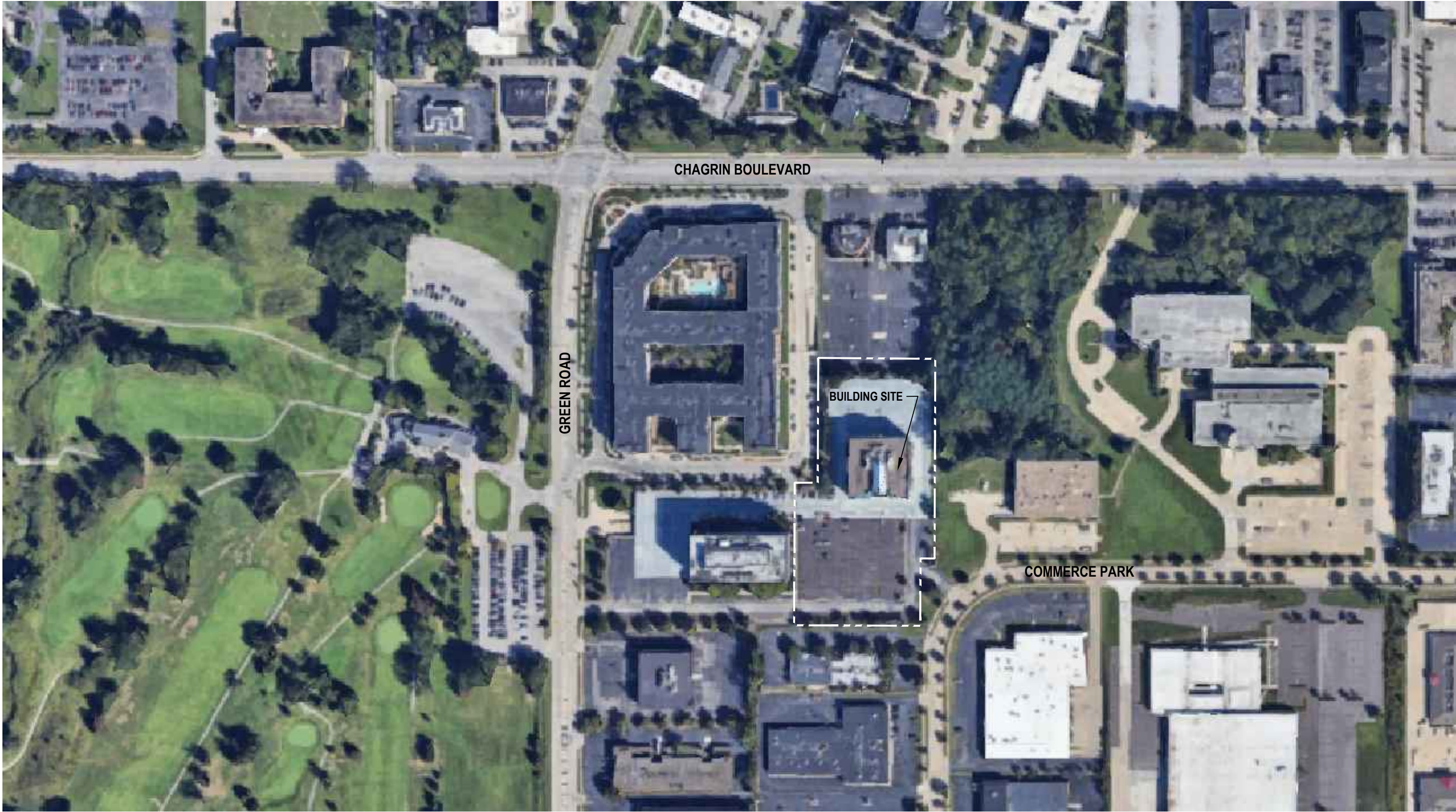
View Map

Updated :11/18/2024 03:51:53 AM

Disclaimer: Cuyahoga County provides this geographic data and related analytical results as a free public service on an "as is" basis. Cuyahoga County makes no guarantee(s) or warranty(ies) as to the accuracy, completeness, or timeliness of the information contained herein, and said information is not intended to, nor does it, constitute an official public record of Cuyahoga County. While much of the data contained herein is compiled from public records, the official records of the public office or agency from which they were compiled remains the official record of any such public office or agency. **By accessing, viewing or using any part of the site, you expressly acknowledge you have read, agree to and consent to be bound by all of the terms and conditions listed on this site. Routine maintenance is performed on Fridays and disruptions may occur. We apologize for any inconvenience.**

WATER DEPARTMENT OFFICIALS: AS OF JANUARY 1, 2021 PLEASE UTILIZE THE TRANSFER TAB ON THE MYPLACE SITE TO DETERMINE OWNERSHIP FOR CREATING OR CLOSING ACCOUNTS. PARCEL DATA ON PROPERTY TRANSFERS ARE UPDATED DAILY. THEREFORE, YOU CAN NOW RELY ON THIS SITE FOR ACCURATE REAL PROPERTY OWNERSHIP. YOU ARE ALSO WELCOME TO ACCEPT COPIES OF RECORDED DEEDS FROM OUR OFFICE.

THANK YOU



rdla: #22135R COPYRIGHT © 2024

23250 CHAGRIN BLVD | BEACHWOOD, OHIO | NEW CONSTRUCTION: MULTIFAMILY

The drawings, specifications, ideas, design and arrangements represented thereby are and shall remain the property of the architect. No part of shall be copied, disclosed to others or used in conjunction with any work or project other than the specific project for which they have been prepared and developed without the written consent of the architect. Visual contact with these drawings or specifications shall constitute conclusive evidence of acceptance of these restrictions. Written dimensions on these drawings shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job site, and this office must be notified of any variations from the dimensions and conditions shown by these drawings.



SITE AERIAL PLAN

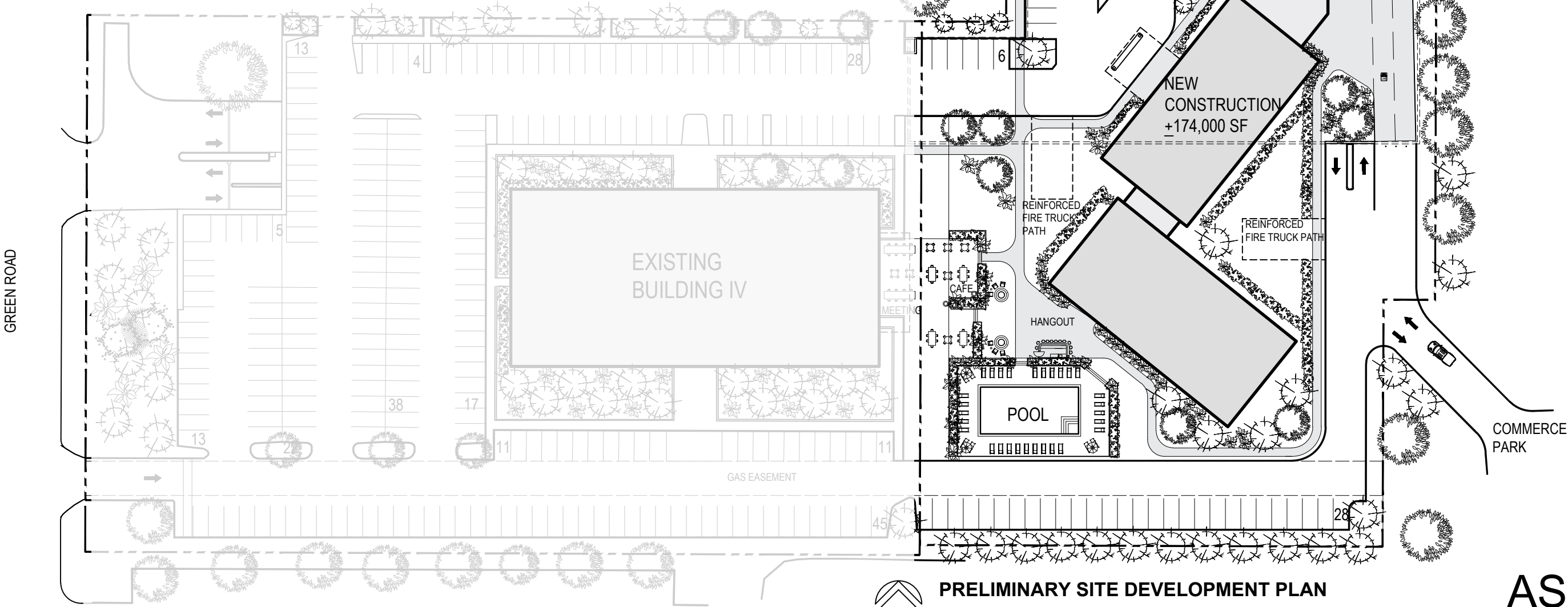
SCALE: 1" = 200'



DATE: 11-21-2024

ZONING	PERMITTED	PROVIDED	VARIANCE
PROPOSED: U-3C PLANNED MULTIFAMILY RESIDENTIAL DISTRICT PRIMARY USE: MULTIFAMILY DWELLING ACCESSORY USE - PRIVATE PARKING GARAGES, OFF STREET PARKING, PRIVATE RECREATION AND FACILITIES, CONCIERGE TYPE SERVICES, SIGNS IN CONFORMANCE WITH 1141.3			
MAXIMUM DENSITY 60 UNITS PER ACRE	211 UNITS	±180 UNITS	NO
MAXIMUM BUILDING GROUND COVERAGE 60%	92,233 SF	±28,962 SF	NO
MAXIMUM HEIGHT	65 FEET	75 FEET	YES
SETBACK FROM RIGHT OF WAY	40 FEET	GREATER THAN 40 FEET	NO
SETBACK FROM PROPERTY LINE	30 FEET	58 FEET	NO
PARKING RATIO	1.5 PER UNIT	1.5 PER UNIT	NO
MINIMUM UNIT AREAS:	STUDIO: 600 SF 1 BR: 700 SF 2 BR: 850 SF 3 BR: 1000 SF	COMPLY COMPLY COMPLY COMPLY	NO NO NO NO
OPEN SPACE MINIMUM 30%	46,117 SF	125,422 SF	NO

SUMMARY	
EXISTING ZONING;	U-7A GENERAL OFFICE BUILDING DISTRICT
PROPOSED ZONING:	U-3C PLANNED MULTIFAMILY RESIDENTIAL DISTRICT
SITE:	3.529 ACRES
BUILDING	±173,772 TOTAL SF
PARKING	SURFACE: 96 SPACES GARAGE: 178 SPACES 274 TOTAL PKG.
PATHWAY	1/2 MILE TRAIL, 1/4 MILE TRAIL

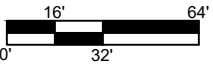


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23250 CHAGRIN BLVD | BEACHWOOD, OHIO | NEW CONSTRUCTION: MULTIFAMILY

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PRELIMINARY SITE DEVELOPMENT PLAN
SCALE: 1" = 64'

DATE: 12-09-2024

AS-2

INTRODUCED BY:

AMENDED ORDINANCE NO. 2025-12

AN ORDINANCE REZONING 3663 PARK EAST DRIVE, BEACHWOOD, OHIO 44122 PPN# 742-29-017, FROM U-4C INTEGRATED MIXED USE, MULTI-FAMILY RESIDENTIAL, OFFICE RETAIL, RECREATION BUSINESS DISTRICT TO U-9 MOTOR SERVICE DISTRICT

WHEREAS, Harriet, LLC has requested the rezoning of 3663 Park East Drive, Beachwood, Ohio 44122 PPN# 742-29-017 from U-4C Integrated Mixed Use to U-9 Motor Service District; and

WHEREAS, on April 7, 2025, Council placed the rezoning request on first reading and referred it to the Planning and Zoning Commission for study, report, and recommendation in accordance with BCO 1107.01; and

WHEREAS, on April 10, 2025, the Planning and Zoning Commission reviewed the request and recommended approval of the rezoning; and

WHEREAS, Council desires to place the proposed rezoning on Second Reading and refer it to a Public Hearing to occur after a 30-day advertising period.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: The Council of the City of Beachwood, having received a request for the rezoning of 3663 Park East Drive, Beachwood, Ohio 44122 PPN# 742-29-017 from U-4C Integrated Mixed Use to U-9 Motor Service District, placed said rezoning request on second reading and refers the proposed rezoning to a public hearing to occur after a 30-day advertising period.

This Ordinance shall be read by Council on three separate occasions, and its passage shall cause the proposed rezoning to become effective upon operation of law.

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the ____ day of _____, 2025 and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the ____ day of _____, 2025.

Clerk

Approval: I have approved this legislation this ____ day of _____, 2025 and filed it with the Clerk.

Mayor



25325 Fairmount Blvd. • Beachwood, Ohio 44122

Phone (216)292-1914 • Fax (216)292-1917

Email: Building@beachwoodohio.com

PLANNING & ZONING APPLICATION

Form must be completed or will not be processed

APPLICATION DATE: 3/20/2025

OWNER OF BUILDING: 3663 Park East My Place LLC

PHONE: 414-748-1009

STREET ADDRESS: 2019 Center Street

CITY/STATE/ZIP: Cleveland, OH 44113

APPLICANT: Harriet LLC

PHONE: 440-478-9037

COMPANY OR FIRM: _____

EMAIL: jb@driveclassic.com

STREET ADDRESS: 8470 Tyler Boulevard

CITY/STATE/ZIP: Mentor, OH 44060

PRESENTER(S) TO APPEAR AT THE P&Z MEETING (include name & email address):

Jim Brown; jb@driveclassic.com

DESCRIPTION OF THE PROPERTY:

ADDRESS: 3663 Park East Drive

SUITE # _____

TENANT NAME: Classic Lexus

PERMANENT PARCEL # 742 29 017 PRESENT USE: vacant PROPOSED USE: Auto Dealership

PURPOSE OF APPLICATION: Rezone vacant property to prior zoning classification for automobile dealership use

NATURE OF THE REQUEST (check as many as apply):

- ☐ Preliminary site plan approval
- ☐ Final site plan approval
- ☐ Lot split
- ☐ Lot consolidation
- ☐ Conditional use permit
- ☒ Rezoning
- ☐ Zoning text amendment
- ☐ Other _____
- ☐ Request for a variance.

Must provide a "Box Score" indicating permitted area, distance, etc. and requested area, distance, etc. with application.
Please explain reason for variance (must indicate a hardship):

Are there any special issues regarding this application that should be brought to the attention of the Planning Commission and Staff? If so, please explain. _____

***** CONTINUED ON NEXT PAGE *****

Planning & Zoning Submission Requirements:

- Attach site plan of the proposed development with details such as square footage, height, purpose.
- Attach an aerial photo depicting the property and surrounding area (these are available online via County Auditor's GIS website or Google Earth).
- Attach copy of the Auditor's Report from the Cuyahoga County website indicating the real estate taxes for the property have been paid on a current basis.
- Any Planning & Zoning application which requires Council approval must have a representative attend the scheduled Council meeting.

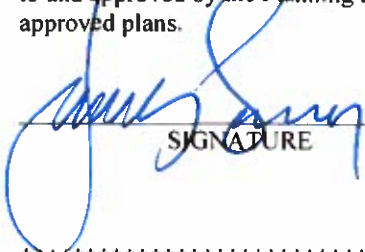
Planning & Zoning Submission Filing Fees & Deposits:

A non-refundable filing fee in the amount of thirty-five dollars (\$35.00) shall be paid to the City for each application submitted to the Planning and Zoning Commission; and...

A cash fee in the amount set forth in the following schedule shall be submitted in addition to the filing fee listed in subsection (a) hereof, at the time of application to the Planning and Zoning Commission and/or Council:

	<u>Zoning District</u>	<u>Fee</u>
(1)	U-1, A-1 / U-1, A-2 / U-2 / U-2A / Variances Includes all applications to the Planning Commission and/or Council except applications for lot splits and/or consolidations plats, easement applications, and any application required to be recorded with the County Recorder's Office.	\$300.00
(2)	All other Zoning Districts for site development plan review (new building addition)	\$5,000.00
(3)	All lot split and/or consolidation plats, easements, and any application required to be recorded with the County Recorder's Office	\$1,500.00
(4)	For all Zoning Districts, excepting U-1, A-1/U-1, A-2/U-2/ and U-2A, all other applications, including, but not limited to: special use permits, conditional use permits, variances, text amendments, or similar or harmonious use	\$750.00
(5)	Map Amendment	\$2,500.00

We, the building owner and/or applicant, with our signature below, hereby agree to follow specifically the plans submitted to and approved by the Planning and Zoning Commission and do agree to construct said building(s) as depicted on said approved plans.


SIGNATURE

James Brown
PRINTED NAME

3.20.25
DATE

*****OFFICE USE ONLY*****

PLANNING & ZONING COMMISSION - P&Z No. _____ MEETING DATE: _____

FEE: _____ RECEIPT # _____ AMOUNT \$ _____ DATE PAID _____

Preliminary Approval: _____
Date

Final Approval: _____
Date

Recommendation to Council: ☐ YES ☐ NO Meeting Date: _____

3663 PARK EAST MY PLACE LLC 2019 CENTER ST CLEVELAND, OH 44113

Description

60 SP 1785.36FT NP & PT VAC ST

Property Class

HOTELS

Parcel Number

742-29-017

Taxset

Beachwood

Tax Year

2024 Pay 2025 ▼

PAY BY E-CHECK OR CREDIT/DEBIT CARD

Summary By Tax Year 2024 Pay 2025

Please use the Pay Your Taxes Online to pay your tax bill for the current tax year

Assessed Values

Land Value	\$2,283,090
Building Value	\$2,051,320
Total Value	\$4,334,410
Homestead Value	\$

Half Year Charge Amounts

Gross Tax	\$263,770.52
Less 920 Reduction	\$104,244.60
Sub Total	\$159,525.92
Non-business Credit	\$.00
Owner Occupancy Credit	\$.00
Homestead Reduction	\$.00
Total Assessments	\$560.88
Half Year Net Taxes	\$160,086.80

Market Values

Land Value	\$6,523,100
Building Value	\$5,860,900
Total Value	\$12,384,000

Rates

Full Rate	121.71
920 Reduction Rate	.395209
Effective Rate	73.609058

Flags

Owner Occupancy Credit	N
Homestead Reduction	N
Foreclosure	N
Cert. Pending	N
Cert. Sold	N
Payment Plan	N

Escrow

Escrow	N
Payment Amount	\$.00

Tax Balance Summary

Charges

\$511,640.11

Payments

\$351,553.31

Balance Due

\$160,086.80

2024 (pay in 2025) Charge and Payment Detail

Taxset	Charge Type	Charges	Payments	Balance Due
Beachwood				
	Prior year tax - 2023	\$170,050.41	\$170,050.41	\$.00
	Prior year penalty - 2023	\$17,005.04	\$17,005.04	\$.00
	DELQ BALANCE	\$187,055.45	\$187,055.45	\$.00
	1st half tax	\$159,525.92	\$159,525.92	\$.00
	1ST HALF BALANCE	\$159,525.92	\$159,525.92	\$.00
	2nd half tax	\$159,525.92	\$.00	\$159,525.92
	2ND HALF BALANCE	\$159,525.92	\$.00	\$159,525.92
C170100Y-NEORS - DELINQUENT WASTEWATER				
	Prior year tax - 2023	\$2,216.50	\$2,216.50	\$.00
	Prior year SPA fee - 2023	\$22.17	\$22.17	\$.00
	DELQ BALANCE	\$2,238.67	\$2,238.67	\$.00
C100030C-SEWER MAINTENANCE				
	Prior year tax - 2023	\$280.31	\$280.31	\$.00
	DELQ BALANCE	\$280.31	\$280.31	\$.00

1st half tax - 2024	\$280.44	\$280.44	\$.00
1ST HALF BALANCE	\$280.44	\$280.44	\$.00
2nd half tax - 2024	\$280.44	\$.00	\$280.44
2ND HALF BALANCE	\$280.44	\$.00	\$280.44

**C170100Z-NEORS - DELINQUENT
STORMWATER**

Prior year tax - 2023	\$1,425.50	\$1,425.50	\$.00
Prior year penalty - 2023	\$142.55	\$142.55	\$.00
Prior year SPA fee penalty - 2023	\$1.43	\$1.43	\$.00
Prior year SPA fee - 2023	\$14.26	\$14.26	\$.00
DELQ BALANCE	\$1,583.74	\$1,583.74	\$.00

C100030S-Sewer Maintenance

Prior year tax - 2023	\$280.31	\$280.31	\$.00
Prior year penalty - 2023	\$28.03	\$28.03	\$.00
DELQ BALANCE	\$308.34	\$308.34	\$.00
1st half tax - 2024	\$280.44	\$280.44	\$.00
1ST HALF BALANCE	\$280.44	\$280.44	\$.00
2nd half tax - 2024	\$280.44	\$.00	\$280.44
2ND HALF BALANCE	\$280.44	\$.00	\$280.44

Total Balance

Charges	Payments	Balance Due
\$511,640.11	\$351,553.31	\$160,086.80

PAY BY CREDIT OR DEBIT CARD

Log

View Map

Updated :03/20/2025 04:26:54 AM

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WATER DEPARTMENT OFFICIALS: AS OF JANUARY 1, 2021 PLEASE UTILIZE THE TRANSFER TAB ON THE MYPLACE SITE TO DETERMINE OWNERSHIP FOR CREATING OR CLOSING ACCOUNTS. PARCEL DATA ON PROPERTY TRANSFERS ARE UPDATED DAILY. THEREFORE, YOU CAN NOW RELY ON THIS SITE FOR ACCURATE REAL PROPERTY OWNERSHIP. YOU ARE ALSO WELCOME TO ACCEPT COPIES OF RECORDED DEEDS FROM OUR OFFICE.

THANK YOU

Online payments are not accepted for parcels in foreclosure, bankruptcy, or with a tax lien status. Please contact Taxpayer Services (216) 443-7400 Option 1.

 Search for Property Taxes	 Search for Manufactured Home Taxes
---	---

SEARCH BY

Parcel Number

742-29-017

Search

Search results for Parcel Number: "742-29-017"

2024 Property Tax

Claim Parcel

Parcel Number 742-29-017

3663 PARK EAST MY PLACE LLC

Privacy - Terms

 SIGN IN / REGISTER

☐ Delinquent Balance \$0.00

\$0.00

☐ First Half Balance \$0.00

☐ Second Half Balance \$160,086.80

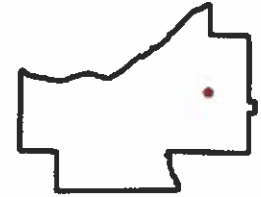
☐ Total Balance \$160,086.80

 2025 Point & Pay

[Support](#) [Terms & Conditions](#) [Accessibility Policy](#) [Privacy Policy](#) [Select Language](#) ▼



Cuyahoga County GIS Viewer



Date Created: 3/20/2025

Legend

- ☐ Municipalities
- ☐ Right Of Way
- ☐ Platted Centerline
- ☐ Parcel
- ☐ Private Road



200 0 100 200 Feet

Projection:
WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Cuyahoga County
Enterprise GIS
PUTTING CUYAHOGA COUNTY ON THE MAP

Exhibit A
Legal Description

Situated in the City of Beachwood, County of Cuyahoga, and State of Ohio and known as being a part of Original Lot 60 of Warrensville Township and being further bounded and described as follows:

Beginning at the point of intersection of the centerline of Richmond Road and the centerline of Chagrin Boulevard;

Thence South 89° 51' 20" East along the centerline of said Chagrin Boulevard a distance of 917.00 feet to a point, said point being the intersection of said Chagrin Boulevard and the centerline of Park East Drive as dedicated in Volume 219, Page 35 of the Cuyahoga County Records;

Thence South 00° 08' 40" West along the centerline of Park East Drive a distance of 473.00 feet to a point of curvature;

Thence along the arc of said curve deflecting to the left 282.65 feet, said curve having a radius of 550.00 feet and a chord which bears South 14° 34' 40" East 279.55 feet to a point of reverse curvature;

Thence along the arc of said curve deflecting to the right 205.56 feet, said curve having a radius of 400.00 feet and a chord which bears South 14° 34' 40" East 203.31 feet to its point of tangency;

Thence South 00° 08' 40" West along said centerline of Park East Drive a distance of 193.75 feet to a point;

Thence South 89° 51' 20" East a distance of 30.00 feet to an iron pin found on the Easterly right-of-way of said Park East Drive, said point being the true place of beginning of the parcel herein described;

Thence North 87° 46' 00" East along the Southerly line of land conveyed to Parkway Medical Building Associates Partnership as recorded in Deed Volume 84-0130, Page 49 of the Cuyahoga County Records a distance of 613.88 feet to an iron pin set in the Westerly right-of-way of Interstate 271;

Thence South 03° 33' 59" West along said Westerly right-of-way of Interstate 271 a distance of 13.19 feet to an iron pin found;

Thence South 02° 30' 14" East along said Westerly right-of-way of Interstate 271 a distance of 459.78 feet to an iron pin set;

Thence along an arc of a curve and continuing along said Westerly right-of-way of Interstate 271 a distance of 278.94 feet to an iron pin found at the Northeast corner of land conveyed to Park East Realty Company as recorded in Deed Volume 88-3594, Page 1 of the Cuyahoga County Records, said curve having a radius of 12,477.67 feet and a chord which bears South 00° 17' 15" West at 278.95 feet;

Thence North 82° 00' 59" West along the Northerly line of said Park East Realty Company land a distance of 636.59 feet to an iron pin found on the Easterly line of aforesaid Park East Drive;

Thence North 00° 08' 40" East along the Easterly right-of-way of said Park East Drive a distance of 639.07 feet to the place of beginning, containing 9.9930 acres, be the same more or less but subject to all legal highways.

Permanent Parcel No.: 742-29-017

Property Address: 3663 Park East Drive, Beachwood, Ohio 44122

Permanent Parcel Number: 742-29-017

[Exhibit A to Assignment of Leases and Rents]

3663 Park East My Place LLC

March 31, 2025

Via E-Mail (jb@classicautocampus.com)

James Brown
8470 Tyler Blvd.
Mentor, Ohio 44060

Re: *3663 Park East My Place LLC*

Dear James:

I am writing this letter in my capacity as the Managing Member of 3663 Park East My Place LLC. Until further written notice by me, this letter shall serve as authorization for you to appear before the City of Beachwood for purposes of applying for and requesting zoning approvals for the property owned by 3663 Park East My Place LLC having an address of 3663 Park East Drive, Beachwood, Ohio 44122.

Very truly yours,

/s/ Chad Kertesz

CK:c2

Chad Kertesz, Managing Member

INTRODUCED BY:

AMENDED ORDINANCE NO. 2025-13

AN ORDINANCE AMENDING THE CITY OF BEACHWOOD, OHIO PLANNING AND ZONING CODE BY AMENDING BEACHWOOD CODIFIED ORDINANCE SECTION 1111.02(M)(2) TITLED “CLASSIFICATION OF USES”

WHEREAS, City Planner, George Smerigan has suggested an amendment to the City of Beachwood Planning and Zoning Code Section 1111.02(M)(2);

WHEREAS, on April 7, 2025, Council placed the amendment request on first reading and referred it to the Planning and Zoning Commission for study, report, and recommendation in accordance with BCO 1107.01;

WHEREAS, on April 10, 2025, the Planning and Zoning Commission reviewed the request and recommended approval of the amendment;

WHEREAS, Council desires to place the proposed amendment on Second Reading and refer it a to a Public Hearing to occur after a 30-day advertising period.

NOW , THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio that:

Section 1: The Council of the City of Beachwood, having received a request to amend the City’s Planning and Zoning Code, the details of which are attached hereto and incorporated herein as **Exhibit “A”**, placed the proposed amendments on first reading and referred the matter to the Planning and Zoning Commission for its review, report, and recommendation. Council is in receipt of the Planning and Zoning Commission’s report and recommendation and desires to schedule a public hearing to be held at Beachwood City Hall, Council Chambers. The proposed Amendments shall be read by Council on three separate occasions.

Section 2: The Clerk of Council is directed to advertise notice of the public hearing in a newspaper of general circulation in the City for a period of not less than thirty (30) days prior to the public hearing, setting forth the substance of the proposed amendment.

Section 3: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the____day of _____, 2025 and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the day of _____, 2025.

Clerk

Approval: I have approved this legislation this__ day of_____, 2025 and filed it with the Clerk.

Mayor

AMEND SECTION 1111.02 CLASSIFICATION OF USES BY AMENDING SECTION 1111.02(M)(4) TO READ AS FOLLOWS.

1111.02 CLASSIFICATION OF USES.

For the purpose of this Zoning Code, the various uses to which buildings and premises can be devoted are divided into groups, classes and subdivisions as set forth in the following classification. These uses, hereinafter classified as Class U-1, Class U-2, Class U-2A, Class U-3, Class U-3A, Class U-4A, Class U-4B, Class U-5, Class U-7, Class U-7A, Class U-8, Class U-8A, Class U-9 and Class U-10, are permitted under regulations herein set forth in the respective use districts allotted to such uses. Uses classified as Class U-6 are prohibited entirely.

(m) Class U-9 Uses.

- (1) Gasoline service station limited to sites with frontage on Chagrin Boulevard only.
- (2) Motels and hotels.
- (3) Restaurants: Restaurants may be permitted outdoor dining areas and/or curbside pickup provided that they first obtain a site development plan approval. The number of outdoor seats and/or spaces dedicated for curbside pickup shall be as authorized on the approved site development plan.
- (4) Automobile agencies limited to sites with frontage on Chagrin Boulevard, Central Parkway, Park East Drive, and Orange Place only.
- (5) Banks.
- (6) Office buildings.
- (7) Child day care center pursuant to Section 1155.02.
- (8) Adult day care center pursuant to Section 1155.03
- (9) Licensed health care facilities with a Conditional Use Permit.
- (10) Professional medical offices.

AN ORDINANCE ENACTING NEW CHAPTER 901, "USE OF PUBLIC WAYS BY SERVICE PROVIDERS".

WHEREAS, from time to time it becomes necessary to update and amend the Codified Ordinances of the City of Beachwood, Ohio to preserve the public health, safety and welfare, to protect public and private property, and promote the enjoyment and convenience of residents in the community; and

WHEREAS, to facilitate the orderly management of the public ways of the City and to provide for the use or occupation of all public ways by issuing permits for such use or occupancy, the Mayor and Council believe it is in the City's best interest to enact regulations for the use of its public ways by enacting new Chapter 901 of the Codified Ordinances of the City of Beachwood entitled "Use of Public Ways by Service Providers".

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, State of Ohio:

Section 1: That new Chapter 901 of the Codified Ordinances of Beachwood, Ohio entitled "Use of Public Ways by Service Providers" shall be enacted to provide as follows:

"901.01 SCOPE OF CHAPTER; DEFINITIONS.

(a) The purpose and intent of this Chapter is to:

(1) Manage reasonable access to the City's Public Ways by utility and other Service Providers and ensure their compliance with the ordinances, rules and regulations of the City.

(2) Conserve the limited physical capacity of the Public Ways held in trust by the City for the benefit of the public.

(3) Assure that the City fairly and responsibly protects the public health, safety and welfare.

(4) Enable the City to discharge its public trust consistent with rapidly evolving federal and State regulatory policies, industry competition and technological development.

(b) For the purpose of this Chapter, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

(1) "Affiliate" means a Person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another Person.

(2) "Cable Operator" means a Person providing or offering to provide Cable Service within the City as that term is defined in the Cable Communications Policy Act of 1984, codified at 47 U.S.C. § 532, et seq., as amended by the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996, as each might be further amended.

(3) "Capital Improvement" means an addition made to enhance the value or extend the useful life of an existing System or Facilities, including Construction, Reconstruction,

installation, rehabilitation, renovation, improvement, enlargement and extension of Facilities, but not including ordinary or Routine Maintenance.

(4) “Construct, Constructing, Construction, etc.” means installing, repairing, replacing or removing any Facility, regardless of the methods employed, including Excavation.

(5) “Construction Permit or Permit” means a permit issued pursuant to Section 901.08 of this Chapter.

(6) “Emergency” means an unforeseen occurrence or condition calling for immediate action.

(7) “Excavate, Excavating or Excavation” means cutting, sawing, breaking, drilling into, boring under, or otherwise altering any Public Street or sidewalk pavement, and/or digging, drilling into or boring under any unpaved portion of the Public Way, including any other work or activity which disturbs the existing surface or subsurface structure, composition, or soil compaction.

(8) “Excess Capacity” means the volume or capacity in any existing or future Facility in the Public Ways that is or will be available for use for additional Facilities.

(9) “Facilities or Facility” means the plant, equipment and property, including but not limited to, cables, fibers, wires, lines, pipes, conduits, ducts, pedestals, antennae, electronics, poles, pipes, mains, plant, equipment and other appurtenances located under, on or above the surface of the ground in the Public Ways of the City and used or to be used to operate a System to transmit, receive, distribute, provide or offer a service, publicly or privately.

(10) “Lane Obstruction” means the blocking or diverting of vehicular and/or pedestrian traffic from a street or sidewalk for the purpose of Constructing, Excavating, maintaining or operating any Facility, including (A) the lifting or removing of manhole or handhole covers, and (B) the opening or accessing of at-grade or pole-mounted cabinets, pedestals, transformers, power supplies, amplifiers, splice enclosures, traps or other Facilities.

(11) “Mayor” means the Mayor or his or her designee.

(12) “New Service Orders” means the connection from the Service Provider's existing Facilities on private property for the purpose of providing a new Service to a customer in the City.

(13) “Occupancy, Occupy or Use” means, with respect to the Public Ways, to place a tangible thing in the Public Ways for any purpose, including, but not limited to, Constructing, repairing, positioning, maintaining or operating lines, poles, pipes, conduits, ducts, equipment or other structures, appurtenances or Facilities necessary to operate, or relating to, a System for the delivery of Services or private services over the Public Ways.

(14) “ODOT” means the Ohio Department of Transportation.

(15) “Other Ways” means the highways, streets, alleys, Utility Easements or other rights-of way within the City, but under the jurisdiction and control of a governmental entity other than the City.

(16) “Overhead Facilities” means utility poles and wires, cables and other such equipment running between and on such poles, including the underground supports and foundations for such Facilities.

(17) “Person” means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies, trusts and individuals and includes their lessors, trustees and receivers.

(18) “Public Easement” means any easement under the jurisdiction and control of the City and acquired, established, dedicated or devoted for public purposes, including utility purposes.

(19) “Public Way or Right-of-Way” means the surface of, and the space within, through, on, across, above or below, any Public Street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, Public Easement and any other land dedicated or otherwise designated for a compatible public use, which is owned or controlled by the City but excludes a private easement.

(20) “Public Street” means the paved and unpaved portion of any street, road, boulevard, drives, highway, freeway, parkway, lane court, alley or other Public Ways in which the City has an interest in law or equity and which has been acquired, established, dedicated or devoted to street purposes.

(21) “Public Way Fee” means a fee levied to recover the costs incurred by the City and associated with the occupancy or use of a Public Way.

(22) “PUCO or Public Utilities Commission of Ohio” means the State Administrative agency, or lawful successor, authorized to regulate and oversee certain Public Service Providers and Services in the State of Ohio.

(23) “Reconstruct, Reconstruction, etc.” means substantial physical change to or Capital Improvement of all or a portion of an existing System or Facilities including, but not limited to, the addition or alteration of Facilities to accommodate the provision of an additional Service or Services, and a change in location, or additional locations, of Facilities along the same Public Ways involving Construction in Public Streets, Utility Easements, or Public Ways.

(24) “Routine Maintenance” means repair, upkeep, replacement or restoration of existing Facilities located in the Public Ways that requires no more than three (3) working days to complete, is not an Emergency and does not include Excavation of the Public Ways.

(25) “Service” means the offering of water, sewer, electric, gas, telephone, telecommunications, cable television, video, information or other utility-like service for a fee directly to the public, or to such classes of users as to be effectively available to the public, regardless of the Facilities used.

(26) “Service Provider” means any Person who, pursuant to the consent to Occupy or Use the Public Ways pursuant to Section 901.02 of this Chapter, directly or indirectly owns, controls, operates or manages Facilities within the City's Public Ways, used or to be used for the purpose of operating a System to: (i) offer Service to the public within the City or outside of the City's boundaries or (ii) transmit, receive, distribute or provide telecommunications or other services between or among private buildings or facilities where there is no service offered to the public. For the purposes of this Chapter “Service Provider” shall also include their/its subcontractors.

(27) “State” means the State of Ohio.

(28) “Surplus Space” means that portion of the Usable Space on a utility pole that has the necessary clearance from the Facilities of other Public Service Providers using the pole, as required by the orders and regulations of PUCO and other applicable State and local orders and regulations, to allow its use by an additional Service Provider for a pole attachment.

(29) “System” means a network of Facilities for the transmission and/or distribution of a particular Service.

(30) “Trenchless Technology” means the use of directional boring, horizontal drilling and micro-tunneling and other techniques in the Construction of underground portions of Facilities that result in the least amount of disruption and damage to the Public Ways as possible.

(31) “Underground Facilities” means that portion of a System located under the surface of the ground, excluding the underground foundations or supports for Overhead Facilities.

(32) “Usable Space” means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in the orders and regulations of the PUCO.

(33) “Utility Easement” means any easement owned by a Service Provider and acquired, established, dedicated or devoted for the purpose of providing Service to the public.

(34) “Video Service Provider” means a person granted a video service authorization from the Ohio Department of Commerce under Sections 1332.21 through 1332.34 of the Ohio Revised Code.

(35) “City” means the City of Beachwood, Ohio.

(c) This Chapter does not apply to utility connections for properties or maintenance and repair work related thereto which are subject to Title Three, Utilities.

901.02 CONSENT TO OCCUPY OR USE THE PUBLIC WAYS.

(a) Consent Required to Occupy Public Ways. No Person shall Occupy or Use the Public Ways without obtaining prior consent from the City to do so.

(b) Persons Required to Apply for Consent to Occupy or Use Public Ways.

(1) The following Persons shall apply to the City for consent to Occupy or Use the Public Ways on a form provided by the Building Commissioner if such Person:

A. Does not currently have an existing System or Facilities in the City's Public Ways and desires to Construct a System or Facilities in the Public Ways;

B. Has an existing System or Facilities in the Public Ways on the effective date of this Chapter and does not have presumed initial consent under Section 901.02(c)(1) below; or

C. Has initial presumed consent or City consent to Occupy or Use the Public Ways for an existing System or Facilities, but is planning:

1. A Capital Improvement or Reconstruction of existing Facilities; or

2. To Construct additional Facilities or an additional System anywhere in the City.

(c) Initial Consent Presumed.

(1) A Person with existing Facilities in the Public Ways on the effective date of this Chapter shall be presumed to have initial consent for those Facilities to Occupy or Use the Public Ways if such Person:

A. Is subject to jurisdiction by the PUCO;

B. Has a valid franchise agreement with the City to provide Cable Services or other Services in the City, and/or

C. Is any other Person whose existing Facilities lawfully Occupy the Public Ways on the effective date of this Chapter.

(2) Initial presumed consent for Occupancy or Use of the Public Ways is limited to the Service Provider's existing Facilities.

(3) Any Service Provider with initial presumed consent to Occupy or Use the Public ways shall file an Initial Registration with the City within ninety (90) days of the effective date of this Chapter, on a form provided by the Building Commissioner, which shall include the information required by Section 901.02(d) of this Chapter.

(4) A Person with initial presumed consent must comply with the requirements of this Chapter with respect to the ongoing Occupancy or Use of the Public Ways including, but not limited to, the Insurance, Indemnity, Performance Bond and Registration requirements of Sections 901.04(a), (b) and (c) and 901.05 of this Chapter.

(d) Application for Consent to Occupy or Use the Public Ways and Initial Registration of Service Providers with Initial Presumed Consent. The application for Consent to Occupy or Use the Public Ways and/or initial registration pursuant to Section 901.02(c) for Service Providers with initial presumed consent to Occupy or Use the Public Ways shall include the following information with respect to the applicant's or Service Provider's planned or existing System and/or Facilities in the Public Ways as well as plans for any planned Capital Improvements or Reconstruction for the following twelve (12) months:

(1) The identity, legal status and federal tax identification number of the applicant, including all Affiliates of the applicant or Service Provider that will Use or Occupy the Public Ways or are in any way responsible for Facilities located in the Public Ways.

(2) The name, address and telephone number of the local officer, agent or employee responsible for the accuracy of the application or initial registration and available at all reasonable times to be notified in case of emergency.

(3) A general description of the Service provided or to be provided by the applicant or Service Provider over its System or Facilities. Where Services are or will be provided by a nonaffiliated provider, the applicant or Service Provider shall identify that provider.

(4) A description of the type of transmission medium used, or to be used, by the applicant or Service Provider to operate a System.

(5) A description of the existing or proposed Facilities in the City's Public Ways, all in sufficient detail to identify:

A. The location and route of the applicant's or Service Provider's Facilities or proposed Facilities.

B. The location of all known existing Overhead and/or Underground Facilities in the Public Ways along the route or proposed route of the applicant's or Service Provider's Facilities or proposed Facilities that is sufficient to show the impact of the applicant's Facilities on other existing Facilities.

C. The location of all known overhead and underground Utility Easements.

(6) Evidence that the applicant or Service Provider has complied, or will comply, with the Indemnification, Insurance, Performance Bond and Construction Bond requirements of this Chapter.

(7) Information sufficient to determine that the applicant or Service Provider has received any certificate of authority required by the PUCO, FCC or other applicable State or Federal Agency to operate a System and provide Services in the City.

(8) Written acknowledgement of receipt of a copy of this Chapter.

(9) Such other information as the Building Commissioner or the City Engineer may reasonably require relevant to the Provider's Use or intended Use of the Public Ways.

(e) City Consent or Denial for Occupancy or Use of the Public Ways.

(1) The City shall grant or deny, in writing, a Person's application for consent to Occupy or Use the Public Ways within sixty (60) days of the date on which the Person filed the application with the City.

A. The City may withhold, deny or delay its consent to a Person's application to Occupy or Use the Public Ways based on the Person's failure to possess the financial, technical and managerial resources necessary to protect the public health, safety and welfare, or for other reasons based on the health, safety and welfare of the City and in accordance with Ohio law.

B. If the City denies a Person's application to Occupy or Use the Public Ways, the City will provide its reasons in writing for denying the application, and will provide any information reasonably requested by that Person necessary to obtain the City's consent to Occupy or Use the Public Ways.

(2) The City's grant of consent for a Person to Occupy or Use the Public Ways shall be in the form of a Public Ways Occupancy Certificate which shall set forth the specific terms of the City's consent for such Person to Occupy or Use the Public Ways.

(f) Application to Existing Franchise. For purposes of this Chapter, a Franchise (ordinance or agreement) shall be deemed consent authorizing the Franchisee's Occupancy or Use of the Public Ways to the extent described in the Franchise. The Franchisee's use of the Public Ways beyond that authorized by the Franchise shall require additional consent for such additional Occupancy or Use. Franchisees shall comply with all other provisions of this Chapter except that if there is a direct conflict between a specific provision in the Franchise and the provisions of this Chapter, the Franchise shall control.

901.03 ANNUAL REGISTRATION OF SERVICE PROVIDERS.

(a) Annual Registration Required. All Service Providers with consent to Occupy or Use the Public Ways as provided in Section 901.02 shall register with the City each calendar year between January 1 and January 31 on a form provided by the City. Service Providers who file an Initial Registration after September 1st need not file an Annual Registration for the next calendar year.

(b) Purpose of Annual Registration. The purpose of Annual Registration is to assist the City in monitoring use of the Public Ways; to maintain an accurate and current database of information concerning Service Providers that Occupy or Use the Public Ways; and to assist the City in managing the Public Ways in a manner that best serves the public health, safety and welfare.

(c) Information Required for Annual Registration. Registration forms will be provided by the City and shall require the following information:

(1) Any material changes to the information the Service Provider provided the City in the application for consent to Occupy or Use the Public Ways or Initial Registration, including, but not limited to:

A. The identity, legal status, and federal tax identification number of the Service Provider, including any Affiliates.

B. The name, address and telephone number of the local officer, agent or employee responsible for the accuracy of the Service Provider's registration statement and available at all reasonable times to be notified in case of emergency.

(2) Evidence that the Service Provider is in compliance with the Insurance, Indemnity and Performance Bond requirements pursuant to Section 901.04 of this Chapter.

(3) Information regarding, and a preliminary Construction schedule and completion date for, any Capital Improvements the Service Provider plans in the Public Ways for the following twelve (12) months.

(4) Any other information the Building Commissioner or the City Engineer may reasonably require relevant to the Service Provider's Occupancy or Use of the Public Ways.

(d) Facilities Maps. The City shall have the right to access and review all the Service Provider's maps and/or as-built plans showing the location of its Facilities in the City's Public ways, upon ten (10) days' notice to the Service Provider.

(e) Registration to be Kept Current. In addition to Annual Registration, each Service Provider shall keep the required registration information current at all times and shall provide the City with notice of changes to that information within fifteen (15) days following the date on which the Service Provider has notice of such change.

(f) Registration Fee. Each Service Provider shall pay an annual registration fee as determined by the Mayor to reimburse the City for its administrative costs related to maintaining annual registration and as provided in Section 901.08.

901.04 INSURANCE, BOND AND INDEMNIFICATION.

(a) Service Provider Insurance. As a condition of the consent to Occupy or Use the Public Ways, a Service Provider must secure and maintain, at a minimum, the following liability insurance policies insuring the Service Provider and naming the City, its elected and appointed officers, officials, agents, employees and representatives as additional insureds:

(1) Comprehensive general liability insurance with limits not less than

A. Five Million Dollars (\$5,000,000) for bodily injury or death to each Person;

B. Five Million Dollars (\$5,000,000) for property damage resulting from any one accident; and

C. Five Million Dollars (\$5,000,000) for all other types of liability.

(2) Automobile liability for owned, non-owned and hired vehicles with a limit of Three Million Dollars (\$3,000,000) for each Person and Three Million Dollars (\$3,000,000) for each accident.

(3) Worker's compensation within statutory limits and employer's liability insurance with limits of not less than One Million Dollars (\$1,000,000).

(4) Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than Three Million Dollars (\$3,000,000).

(5) The liability insurance policies required by this Section shall be maintained by the Service Provider throughout the period of time during which the Service Provider is

Occupying or Using the Public Ways, or is engaged in the removal of its Facilities. Each such insurance policy shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until sixty (60) days after receipt by the City, by registered mail or by commercial carrier (e.g., FedEx), of a written notice addressed to the Mayor of such intent to cancel or not to renew."

(6) Within sixty (60) days after receipt by the City of said notice, and in no event later than thirty (30) days prior to said cancellation, the Service Provider shall obtain and furnish to the City replacement insurance policies meeting the requirements of this Section.

(7) Upon written application to, and written approval by, the Mayor, a Service Provider may be self-insured to provide all of the same coverages as listed in this Section; except that all coverages for Workers' Compensation shall comply with State law. No approval for self-insurance shall be given until the Mayor has made a complete review of the Service Provider's financial ability to provide such self-insurance. As part of the review process, the Mayor may require, and the self-insurance applicant shall provide, any and all financial documents necessary to make a valid determination of the applicant's ability to meet the needs of this Chapter.

(c) General Indemnification. Each application for consent to Occupy or Use the Public Ways, and each annual registration, shall include, to the extent permitted by law, the Service Provider's express undertaking to defend, indemnify and hold the City and its elected and appointed officers, officials, employees, agents, representatives and subcontractors harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the Service Provider or its Affiliates, officers, employees, agents, contractors or subcontractors relating to the Service Provider's Occupancy or Use of the Public Ways, whether such acts or omissions are authorized, allowed or prohibited by this Chapter.

(d) Performance Bond. As a condition of consent to Occupy or Use the Public Ways, and to ensure the full and complete compliance with, and performance under this Chapter, including any costs, expenses, damages or loss the City pays or incurs because of any failure attributable to the Service Provider to comply with the codes, ordinances, rules, regulations or permits of the City, each Service Provider shall, in the amount of Fifty Thousand Dollars (\$50,000) or such lesser amount as the Mayor may determine to be necessary (i) provide an unconditional letter of credit, or other instrument acceptable to the City, or (ii) furnish and file with the City a Performance Bond running to the City in the required amount from a company licensed to do business in the State of Ohio or a cash bond; which performance bond or letter of credit or other instrument shall be maintained at the sole expense of the Service Provider so long as any of the Service Provider's Facilities are located within the City's Public Ways. The requirements of this subsection shall not apply to a Service Provider that: (1) has presumed initial consent to Occupy or Use the Public Ways under Section 901.02 (c); and (2) has not been the subject of litigation or other enforcement action by the City arising from the Service Provider's activities in the Public Ways within the five (5) years prior to registration hereunder.

(1) Before claims are made against the Performance Bond or letter of credit or other instrument, the City shall give written notice to the Service Provider:

A. Describing the act, default or failure to be remedied, or the damages, cost or expenses which the City has incurred by reason of the Service Provider's act or default;

B. Providing a reasonable opportunity for the Service Provider to remedy the existing or ongoing default or failure, if applicable;

C. Providing a reasonable opportunity for the Service Provider to pay any monies due the City before the City makes a claim against the Performance Bond or letter of credit or other instrument;

D. That the Service Provider will be given an opportunity to review the act, default or failure described in the notice with the Mayor.

(2) Service Providers shall maintain the full value of the Performance Bond or letter of credit or other instrument regardless of claims against the Performance Bond or letter of credit or other instrument made by, or paid to, the City.

(3) Any draw upon the Performance Bond or letter of credit and to recover the City's costs related to a Service Provider's use of the Public Ways shall be considered Public Way Fees as that term is defined in Chapter 4939 of the Ohio Revised Code and shall be assessed by the Mayor in accordance with Chapter 4939 and any other applicable law.

901.05 GENERAL PUBLIC WAYS USE REGULATIONS.

(a) Rights Conveyed. Consent granted to or initially presumed of a Service Provider to Occupy or Use the Public Ways under Section 901.02:

(1) Shall be limited to a grant to Occupy or Use the specific Public Ways and defined portions thereof including the specific System or Facilities and location along the Public Ways;

(2) Shall not confer any exclusive right, privilege, license or franchise to Occupy or Use the Public Ways of the City to operate a System for delivery of Services or any other purposes; and

(3) Shall not convey any right, title or interest in the Public Ways, but shall be deemed consent only to Occupy or Use the Public Ways for the limited purposes granted by the consent. Further, no consent shall be construed as any warranty of title.

(b) Maintenance of Facilities. Each Service Provider shall maintain its System or Facilities in good and safe condition and in a manner that complies with all applicable federal, State and local requirements.

(c) Safety Procedures. A Service Provider or other Person acting on its behalf shall use suitable barricades, flags, flagmen, lights, flares and other measures as necessary and in accordance with applicable State and local requirements for the safety of all members of the general public and to prevent injury or damage to any Person, vehicle or property by reason of such work in or affecting such Public Ways or property.

(d) Interference with the Public Ways. No Service Provider may locate or maintain its Facilities so as to unreasonably interfere, as determined by the City Engineer, with the use of the Public Ways by the City, by the general public or by other Persons authorized to use or be present in or upon the Public Ways. All such Facilities shall be moved by the Service Provider, temporarily or permanently, as determined by the City Engineer.

(e) Damage to Public and Private Property. No Service Provider nor any Person acting on the Service Provider's behalf shall take any action or permit any action to be done which may impair or damage any City Property, Public Ways, Other Ways or other public or private property located in, on or adjacent thereto.

(f) Restoration of Public Ways, Other Ways and City Property.

(1) When a Service Provider, or any Person acting on its behalf, does any Construction, Reconstruction, Excavation, Routine Maintenance, Emergency Work or any other work in or affecting any Public Ways, Other Ways or City Property, it shall, after the work is completed and at its own expense, promptly remove any obstructions from and restore such ways or property, within ten (10) to thirty (30) days, at the Building Commissioner's discretion, to as good a condition as existed before the work was undertaken, unless otherwise directed by the City.

(2) If weather or other conditions prevent the complete restoration required by this Section, the Service Provider shall temporarily restore the affected ways or property as directed by the Building Commissioner, at the Service Providers' sole expense. The Service Provider shall promptly undertake and complete the required permanent restoration when weather or other conditions no longer prevent permanent restoration.

(g) Duty to Provide Information. Within ten (10) days of a written request from the Building Commissioner, each Service Provider shall:

(1) Furnish the City with documentation sufficient to show that the Service Provider has complied with all requirements of this Chapter.

(2) Make available for inspection by the City, at reasonable times, all books, records, maps and other documents, maintained by the Service Provider with respect to its Facilities in the Public Ways.

(h) Leased Capacity. A Service Provider shall have the right, without prior City approval, to lease capacity or bandwidth to an unaffiliated Service Provider, provided:

(1) The Service Provider shall notify the City of the lease agreement within thirty (30) days of such lease agreement.

(2) The lessee has complied with the applicable requirements of this Chapter.

(i) Assignments or Transfers of Consent. Consent to Occupy or Use the Public Ways may be, directly or indirectly, transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the Service Provider, by operation of law or otherwise, without consent of the City; provided that with respect to any transactions (including transactions between Affiliated entities) that singularly or collectively result in a change of twenty-five percent (25%) or more of the ownership or ultimate working control of a Service Provider, of the ownership or working control of the Service Provider's Facility, or of control of the capacity or bandwidth of the Service Provider's System, Facilities or substantial parts thereof, the transferor and transferee shall comply with the following:

(1) Notify the City of the proposed transfer before the date of transfer; and

(2) The transferee shall fully comply with this Chapter within sixty (60) days of the transfer, including, but not limited to providing the City with all information required by the Initial Registration required by Section 901.02 (d) of this Chapter.

(j) Revocation of Consent. Subject to Section 901.05 (k), consent granted by the City to Occupy or Use the Public Ways of the City, or a Construction Permit, may be revoked for any one of the following reasons:

(1) Construction, Reconstruction or operation or Excavation at an unauthorized location.

(2) Construction, Reconstruction or operation in violation of City safety and/or Construction requirements.

(3) Material misrepresentation or lack of candor by or on behalf of a Service Provider in any application or registration required by this Chapter.

(4) Failure to relocate or remove Facilities, or failure to restore the Public Ways, as required by this Chapter.

(5) Insolvency or bankruptcy of the Service Provider.

(6) Violation of material provisions of this Chapter.

(k) Notice of Violation and Duty to Cure. In the event that the Building Commissioner believes that grounds exist for revocation of consent to Occupy or Use the Public Ways or Construction Permit, he or she shall give the Service Provider written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the Service Provider a reasonable period of time not exceeding thirty (30) days to furnish evidence:

(1) That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;

(2) That rebuts the alleged violation or noncompliance; and/or

(3) That a lesser penalty or sanction would better serve the public interest.

(l) Waiver of Requirements. It is within the Building Commissioner's reasonable discretion to waive any portion of this Chapter, if in his or her judgment, such requirements are not necessary or appropriate to protect the City's interests and the purposes and intent of this Chapter.

901.06 LOCATION, RELOCATION AND REMOVAL OF FACILITIES.

(a) Location of Facilities. All Facilities shall be Constructed, Reconstructed, installed and located in accordance with the following terms and conditions:

(1) Overhead Facilities. Unless application of this provision is specifically prohibited by state or federal law, a Service Provider with permission to install Overhead Facilities shall install its Facilities on pole attachments to existing utility poles only, and then only if Surplus Space is available. Except for Overhead Facilities as provided herein, no Facilities shall be located above ground in a Public Ways without the express written permission of the City Engineer.

(2) Underground Facilities. Whenever the existing electric, cable, telecommunications and other similar Facilities are located underground in a Public Ways, a Service Provider with permission to Occupy the same Public Ways with the electric, cable, telecommunications or other similar Facilities, must also locate its Facilities underground. Facilities shall be installed within an existing compatible underground duct or conduit whenever Excess Capacity exists within such Facility.

(b) Relocation or Removal of Facilities. Within thirty (30) days following written notice from the City, a Service Provider shall, at its expense, temporarily or permanently remove, relocate, change or alter the position of any Facilities in the Public Ways whenever the City determines that such removal, relocation, change or alteration is reasonably necessary for:

(1) The Construction, Reconstruction, maintenance or installation of any City or other public improvement in or upon the Public Ways.

(2) The operations of the City or other governmental entity in or upon the Public Ways. Notwithstanding the above, no Service Provider shall be required to bear the expense of removal, relocation, change or alteration of position of any Facilities if such requirement would be prohibited by law.

(c) Removal of Unauthorized Facilities. Within thirty (30) days following written notice from the City, any Service Provider or other Person that owns, controls or maintains any unauthorized System, Facility or related appurtenances in the City's Public Ways shall, at its own expense, remove those Facilities or appurtenances from the Public Ways or shall, at the City's option, arrange to sell the System, Facilities or appurtenances to the City. After the thirty (30) days have expired, the City may remove the Facilities or appurtenances from the Public Ways at the other party's expense. A System or Facility is unauthorized and subject to removal in the following circumstances:

(1) Upon revocation of the Service Provider's consent to Occupy or Use the Public Ways;

(2) If the System or Facility was Constructed, Reconstructed, operated or maintained without the consent to do so, except as otherwise provided by this Chapter;

(3) Upon abandonment of a Facility in the Public Ways of the City, with the exception of underground facilities abandoned in a manner authorized and approved by the City Engineer;

(4) If the System or Facility was Constructed or Reconstructed, or any Excavation of a Public Ways was performed, without prior issuance of a required Construction Permit, except as otherwise provided by this Chapter;

(5) If the System or Facility was Constructed, Reconstructed, operated or maintained, or any Excavation of a Public Ways was performed, at a location not permitted pursuant to the City's consent for the Provider to Occupy or Use the Public Ways or Construction Permit; or

(6) If the Service Provider fails to comply with, or cure a violation of, a material requirement of this Chapter.

(d) Emergency Removal or Relocation of Facilities. The City retains the right and privilege to cut or move any Facilities, or stop work on any Construction, Reconstruction, or Excavation, located in the Public Ways, as the Building Commissioner or the City Engineer may determine to be necessary, appropriate or useful in response to any need to protect the public health, safety or welfare.

901.07 NOTICE OF WORK, ROUTINE MAINTENANCE AND EMERGENCY WORK.

(a) Notice of Work. Except in case of Emergency, as provided in Section 901.07(c), or for Routine Maintenance as provided in Section 901.07 (b), no Service Provider, or any Person acting on the Service Provider's behalf, shall commence any work in the Public

Ways of the City or Other Ways without twenty-four (24) hours advance notice to the City, obtaining a Construction Permit pursuant to Section 901.08 if required, and complying with the consent and registration requirements of Section 901.02.

(b) Routine Maintenance and New Service Orders.

(1) A Service Provider need not obtain a Construction Permit or notify the City prior to or after commencing any Routine Maintenance or New Service Orders that do not include the Construction in, or Excavation or Lane Obstruction of, a Public Ways or closing of a Public Street.

(2) For Routine Maintenance and New Service Orders that require the Service Provider to cause a Lane Obstruction in a Public Street for more than four (4) hours, the Service Provider shall provide the City with forty-eight (48) hours advance notice prior to commencing the Routine Maintenance or New Service Order, and shall submit a drawing showing the planned traffic maintenance and indicating how the Service Provider will meet all requirements of ODOT's Manual of Traffic Control Devices or other applicable ODOT regulations.

(3) A Service Provider performing Routine Maintenance shall otherwise comply with the requirements of this Chapter.

(c) Emergency Work. In the event of the need for any unexpected repair or Emergency work, a Service Provider may commence such Emergency response work as required under the circumstances, provided that for Emergency work that requires Excavation of a Public Ways or Lane Obstruction or closing of a Public Street, the Service Provider shall notify the Building Commissioner as promptly as possible before commencing such Emergency work, or as soon as possible thereafter if advance notice is not practicable.

901.08 CONSTRUCTION PERMIT AND STANDARDS.

(a) Construction Permit.

(1) No Construction Permit is required for Routine Maintenance and New Service Orders that do not include Excavation in a Public Street.

(2) No Person shall commence or continue with the Construction or Reconstruction of Facilities or Excavation in the Public Ways without obtaining a Construction Permit from the Building Commissioner as provided in this Section, including but not limited to the following circumstances:

A. The Construction of a new System or Reconstruction of Facilities to provide a new Service;

B. The extension of a Service Provider's System in the Public Ways in an area of the City not currently serviced by that Service Provider; not including New Service Orders unless a Public Street will be Excavated;

C. The relocation or replacement of more than two hundred (200) lineal feet of a Service Provider's existing System or Facilities in the Public Ways;

D. Any Construction, Reconstruction or replacement of Facilities or New Service Orders in the Public Ways requiring more than one (1) working day to complete; or

E. Any Construction, Reconstruction or New Service Orders requiring the Excavation of a Public Street.

(3) The proposed installation of small cell or micro wireless facilities or wireless support structures associated with small cell or micro wireless facilities shall be governed by Chapter 903, Use of Public Ways for Small Cell Wireless Facilities and Wireless Support Structures, and the City's Small Cell Design Guidelines set forth in Chapter 905.

(4) No Construction Permit shall be issued for the Construction or Reconstruction of Facilities, or Excavation, in the Public Ways unless the Service Provider has obtained consent from the City to Use or Occupy that portion of the Public Ways and filed a current registration pursuant to Sections 901.02 and 901.03 of this Chapter.

(5) The Building Commissioner may waive or modify, as reasonably required, the construction permit requirements for Service Providers with Underground Facilities whose routine maintenance of Facilities requires Excavation.

(b) Construction Permit Applications. Applications for Construction Permits shall be submitted upon forms provided by the City and be accompanied by relevant drawings, plans and specifications in sufficient detail and include the following information:

(1) A preliminary construction schedule.

(2) Above-Ground Facilities. If the applicant is proposing to Construct or Reconstruct Overhead Facilities:

A. Evidence that Surplus Space is available for locating its Facilities on existing utility poles along the proposed route;

B. The location and route of all Facilities to be located or installed on existing utility poles.

(3) Underground Facilities.

A. If the applicant is proposing new Underground Facilities in existing ducts, pipes or conduits in the Public Ways, information in sufficient detail to identify:

1. The Excess Capacity currently available in such ducts or conduits before the installation of the applicant's Facilities.

2. The Excess Capacity, if any that will exist in such ducts or conduits after installation of the applicant's Facilities.

B. If the applicant is proposing new Underground Facilities in new ducts or conduits to be Constructed in the Public Ways:

1. The location and depth proposed for the new ducts or conduits; and

2. The Excess Capacity that will exist in such ducts or conduits after installation of the applicant's Facilities.

C. The location and route of all Facilities to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route which are in the Public Ways. Included with the installation shall be magnetic and florescent tape placed at a minimum of one (1) foot to a maximum of two (2) feet above the entire Facility as installed for the purpose of locating the Facility during future Construction activities, or other such location device as approved by the Building Commissioner. The tape shall be marked with the type of Facility installed.

D. The location of all known existing underground utilities, conduits, ducts, pipes, mains and installations that are in the Public Ways along the underground route proposed by the applicant.

(4) The location(s), if any, for interconnection with the Facilities of other Service Providers.

(5) The construction methods to be employed to protect existing structures, fixtures and Facilities in or adjacent to the Public Ways.

(6) The structures, improvements, Facilities and obstructions, if any, that the applicant proposes to temporarily or permanently remove or relocate, and any necessary plans for their restoration.

(7) The impact of Construction or Reconstruction of Facilities on trees and landscaping in or adjacent to the Public Ways along the route proposed by the applicant, together with a landscape plan for protecting, trimming, removing, replacing and restoring any trees, landscaping or areas disturbed during Construction.

(8) Information to establish that the applicant has obtained all other governmental approvals and permits to Construct and operate the Facilities and to offer or provide the Services.

(9) An attestation that the Facilities will be Constructed or Reconstructed, or the Public Ways Excavated, in accordance with all applicable codes, rules and regulations.

(10) Any other information the Building Commissioner or the City Engineer may reasonably request related to the Service Provider's application for a Construction Permit.

(c) Construction Codes. Facilities shall be Constructed, Reconstructed and Excavated in accordance with all applicable federal, State and local codes, rules, regulations and technical codes including, but not limited to, the National Electrical Safety Code.

(d) Issuance of Permit. Within ten (10) business days after submission of all plans and documents required of the applicant, the Building Commissioner, if satisfied that the applications, plans and documents comply with all requirements of this Chapter, shall issue a Construction Permit authorizing the Construction or Reconstruction of the Facilities, or Excavation in the Public Ways, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as the Building Commissioner may deem necessary or appropriate. The ten (10) business day period shall begin after the Building Commissioner deems all submissions to be complete and in accordance with the requirements of this Chapter.

(e) Modification of Construction Schedule. The Service Provider may modify the construction schedule at any time provided that forty-eight (48) hours advance notice is given to the Building Commissioner and the City Engineer. The Service Provider shall further notify the Building Commissioner and the City Engineer and the Ohio Utility Protection Service (OUPS) not less than forty-eight (48) hours in advance of any Excavation or work in the Public Ways.

(f) Least Disruptive Technology. To the extent reasonably possible, all Facilities shall be Constructed or Reconstructed in the manner resulting in the least amount of damage and disruption of the Public Ways. Unless otherwise authorized by the City Engineer for good cause, Service Providers Constructing or Reconstructing Underground Facilities shall utilize Trenchless Technology, including, but not limited to, horizontal drilling, directional boring, and microtunneling, if technically and/or technologically feasible.

(g) Compliance with Permit. All Construction practices and activities shall be in

accordance with the Construction Permit and approved final plans and specifications for the Facilities. The Building Commissioner and the City Engineer shall have access to the work and such further information as he or she may require to ensure compliance with such requirements. Field changes may be approved by the Building Commissioner or the City Engineer if such changes are determined to be necessary due to site conditions or other changed circumstances.

(h) Display of Permit. The Service Provider shall maintain a copy of the Construction Permit and approved plans at the construction site, which shall be displayed and made available for inspection by the Building Commissioner and the City Engineer whenever Construction work is occurring.

(i) Noncomplying Work. Upon order of the Building Commissioner or the City Engineer, all work that does not comply with the Permit, the approved plans and specifications for the work, or the requirements of this Chapter, shall immediately cease and be immediately removed and/or corrected by the Service Provider.

(j) Record Drawings. Within sixty (60) days after completion of Construction, the Service Provider shall provide the City with two (2) complete sets of plans, drawn to scale and certified to the City as accurately depicting the location of all Facilities Constructed pursuant to the Permit. If required by the City, the Service Provider shall submit the Record Drawings in a digital format compatible with the City's computer software, in accordance with Section 901.05 (f).

(k) Restoration of Improvements. Upon completion of any Construction work, the Service Provider shall promptly repair any and all Public ways, property improvements, fixtures, structures and Facilities which were damaged during the course of Construction, and restore them as nearly as practicable to their prior condition.

(l) Landscape Restoration.

(1) All trees, landscaping and grounds removed, damaged or disturbed as a result of the Construction, Reconstruction, installation, maintenance, repair or replacement of Facilities must be replaced or restored as nearly as may be practicable, to the condition existing prior to performance of work, except to the extent that tree trimming is necessary to prevent the interference of tree branches with Overhead Facilities.

(2) All restoration work within the Public Ways shall be done in accordance with landscape plans approved by the Building Commissioner or the City Engineer.

(m) Construction and Completion Bond. Prior to issuance of a Construction Permit the Service Provider shall deposit with the City a Construction Bond written by a corporate surety or cash bond acceptable to the City equal to at least one hundred percent (100%) of the estimated cost of Constructing or Reconstructing the Service Provider's Facilities or Excavation in the Public Ways of the City, or such lesser amount as the Mayor may determine to adequately protect the City's interest.

(1) The Construction Bond shall remain in force until eighteen (18) months after substantial completion of the work, as determined by the Building Commissioner or the City

Engineer, including restoration of Public Ways and other property affected by the Construction, unless a bond for a lesser time period is approved by the Mayor.

(2) The Construction Bond shall guarantee, to the satisfaction of the City:

A. Timely completion of Construction;

B. Construction in compliance with applicable plans, permits, technical codes and standards;

C. Proper location of the Facilities as specified by the City;

D. Restoration of the Public Ways and other property affected by the Construction;

E. The submission of Record Drawings, in written and digital format, after completion of the work as required by this Chapter; and

F. Timely payment and satisfaction of all claims, demands or liens for labor, material or services provided in connection with the work.

(3) In lieu of filing a Construction Bond with the City for each Construction Permit, a Service Provider with the approval of the Mayor may file an Annual Construction Bond (or Annual Bond) in the form described above in an amount that the Mayor may determine will adequately protect the City's interests as described above.

(4) Any draw upon the Construction Bond to recover the City's costs related to a Service Provider's use of the Public Ways shall be considered Public Way Fees as that term is defined in Chapter 4939 of the Ohio Revised Code and shall be assessed by the Mayor in accordance with Chapter 4939 and any other applicable law.

(n) Responsibility of Owner. The owner of the Facilities to be Constructed or Reconstructed and, if different, the Service Provider, are responsible for performance of and compliance with all provisions of this Section.

901.09 RECOVERY OF CITY COSTS IN MANAGING THE PUBLIC WAYS.

(a) Purpose. It is the purpose of this Section 901.09 to provide for the recovery of all direct and indirect costs and expenses actually incurred by the City and associated with a Public or Private Service Provider's Occupancy or Use of the Public Ways and related to the enforcement and administration of this Chapter. All fees related to the Occupancy or Use of the Public Ways shall be considered to be Public Way Fees as that term is defined in this Chapter and shall be assessed by the City in a manner which is in accordance with Chapter 4939 of the Ohio Revised Code and any other applicable law.

(b) Waiver or Offset of Public Way Fees. Public Way Fees assessed against a governmental entity shall be waived. Any Video Service Provider paying a Video Service Provider fee to the City shall be entitled to a credit, offset or deduction against any reimbursement of City costs assessed under this Chapter for all such Video Service Provider fees.

(c) Assessment of Public Way Fees. The Mayor shall have the authority to assess Public Way Fees for Occupancy or Use of the Public Ways consistent with the provisions of this Chapter without further action of City Council.

(d) Other City Costs. All Service Providers who have been issued a Public or Private

Service Provider's Occupancy or Use of the Public Ways shall, within thirty (30) days after written demand therefor, reimburse the City for all direct and indirect costs and expenses incurred by the City in connection with the management of the City's Public Ways, not otherwise specified in this Chapter.

(e) Regulatory Fees and Compensation Not a Tax. The regulatory fees and costs provided for in this Chapter are separate from, and additional to, any and all federal, State, local and City taxes as may be levied, imposed or due from a Service Provider, its customers or subscribers, or on account of the lease, sale, delivery or transmission of Services.

(f) Construction Deposit May be Required. The Building Commissioner may determine, within his or her reasonable discretion, that the circumstances related to an application for a Construction Permit in the Right-of-Way require the Person applying for such permit to deposit funds designated for the professional services of plan review and on-site inspection. Further, in the case of Excavation that will disturb the Right-of-Way and any associated infrastructure such as the street pavement, a Damage Control Deposit may be required. Any unused deposit funds shall be returned to the Person applying for the Construction Permit upon completion and approval of the project.

901.10 MISCELLANEOUS PROVISIONS.

(a) Preemption by State and Federal Law. Except as may be preempted by applicable State or Federal laws, rates, regulations, and orders, this Chapter shall apply and be controlling over each Service Provider with Facilities in the Public Ways.

(b) Exemption for City-Owned or Operated Facilities. Except as otherwise required by law, nothing in this Chapter shall be construed to apply the provisions of this Chapter to Facilities owned or operated by the City or any of its operations.

(c) Private Facilities. Persons who wish to use the Public Ways of the City for Facilities that provide service not available to the general public shall obtain consent from the City pursuant to Section 901.02, register pursuant to Section 901.03, obtain a Construction Permit (if applicable) pursuant to Section 901.07 and comply with all provisions of this Chapter.

(d) Application to Existing Code Provisions. In the event of a direct conflict between any provision of this Chapter and any other section of the City's Codified Ordinances, the provisions of this Chapter shall apply.

(e) Severability. If any section, subsection, sentence, clause, phrase, or other portion of this Chapter, or its application to any Person, is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, that decision shall not affect the validity of the remaining portions hereof.

901.99 PENALTIES AND OTHER REMEDIES.

(a) Criminal Penalties. Any Person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this Chapter shall be guilty of a misdemeanor of the fourth (4th) degree. A separate and distinct offense shall be deemed committed each day on which a violation occurs or continues.

(b) Civil Violations and Forfeiture.

(1) In lieu of the criminal penalties set forth above, the Mayor may make an initial finding of a civil violation by any Person for violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this Chapter.

(2) The Civil Forfeiture shall be in an amount payable to the City of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs or continues.

(3) An action for civil forfeiture shall be commenced by the Mayor providing the violating Person with written notice describing in reasonable detail the alleged violation of one or more provisions of this Chapter and the amount of the penalty that will be assessed against it.

(4) The violating Person shall have fifteen (15) days, or other period of time as specifically set forth in this Chapter for the violation, subsequent to receipt of the notice of violation in which to correct the violation before the City may assess penalties against the violating Person. The time in which to cure the violation may be extended by the City if additional time is required to correct the violation; provided that the violating Person commences corrective action within seven (7) days of the notice of violation and proceeds with reasonable diligence.

(5) The Person may dispute the alleged violation as set forth in Subsection (c) of this Section 901.99.

(6) If the Mayor finds after hearing that the alleged violation(s) did occur, the penalty shall be assessed starting from the day upon which the period allowed to cure the violation terminated and shall continue until the violation has been corrected.

(c) Appeals. Any notice of violation or determination of a denial of an application or registration under this Chapter may be appealed by filing a written request for a hearing by the Mayor within fifteen (15) days from the date that such notice of violation or determination is received by the alleged violator, unless the provisions of this Chapter otherwise set forth a different time period for filing an appeal. Upon receipt of such a request, the Mayor shall set a time and place for such hearing and shall cause notice thereof to be given to such person, in the manner provided below, not less than five (5) days prior to the hearing. The notice shall advise the appellant that evidence and testimony will be heard, that the appellant may call witnesses and cross examine witnesses against the appellant, and that the Mayor may subpoena any person who the appellant reasonably believes can provide competent testimony or evidence on the matter. A copy of such notice, specifying the purpose of the hearing and the time and place thereof at which all interested persons shall be heard, shall also be posted at City Hall. Such notice may also be published in one or more newspapers of general circulation in the City.

Such hearing shall be conducted by the Mayor, and shall be conducted in the manner described in the notice. Not more than ten (10) days after the conclusion of such hearing, the Mayor shall issue an order confirming, modifying or rescinding the notice of violation or

determination on appeal. Any such order shall be a final order, within the meaning of Ohio Revised Code Section 2506.01, upon the filing of a copy thereof with the Clerk of Council. A copy of such order shall be served as soon as possible, in the manner provided below, upon the person requesting the hearing.

Any notice or order referenced in this Section is properly served upon a Service Provider or person identified in the annual registration under Section 901.03 (c) as set forth below.

(1) Delivered Personally to the Service Provider or person identified in the annual registration;

(2) Left at the Service Provider's or person identified in the annual registration's usual place of business with someone representing themselves as an employee of the Service Provider, or person identified in the annual registration, who is eighteen (18) years of age or older who would reasonably be responsible for receiving correspondence addressed to the Service Provider or person identified in the annual registration;

(3) Sent by certified, pre-posted U.S. mail to the last known address of the Service provider or person identified in the annual registration;

(4) If the notice is attempted to be served by certified, pre-posted U.S. mail and then returned showing that the letter was not delivered, or the certified letter is not returned within fourteen (14) days after the date of mailing, then notice may be sent by regular, pre-posted, first class U.S. mail; or

(5) If the notice is attempted to be served by regular, first class U.S. mail, postage prepaid, and the letter is then returned showing that the letter was not delivered, or is not returned within fourteen (14) days after the date of mailing, then notice shall be posted in a conspicuous place in or about the structure, building, premises, or property affected by such notice.

(d) Other Remedies. Nothing in this Chapter shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Chapter."

Section 2: That existing Chapter 901, "Street Excavations", of the Codified Ordinances of the City of Beachwood is hereby repealed.

Section 3: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the ____ day of _____, 2025 and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the ____ day of _____, 2025.

Clerk

Approval: I have approved this legislation this ____ day of _____, 2025 and filed it with the Clerk.

Mayor