

**RESOLUTION NO. 2023-11**

**INTRODUCED BY: MAYOR BENJAMIN I. HOLBERT, III**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN EASEMENT AGREEMENT WITH BRAINARD OFFICE LLC TO PERMIT A SHOPPING CENTER GATEWAY SIGN TO BE LOCATED WITHIN THE PUBLIC RIGHT-OF- WAY AT 3449 E. BRAINARD, AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Resolution No. 2023-10, the Council adopted the recommendation of the Planning and Zoning Commission and granted the application (P&Z Case No. 2023-01A) of Brainard Office LLC for a variance from the location requirement of Section 1321.07 to permit a shopping center gateway sign, identified as “Sign A”, to be located within the public right-of-way at 3449 E. Brainard, contingent upon an Easement Agreement acceptable to Council being entered into between the Village and Brainard Office LLC; and

WHEREAS, the Village Law Director and Village Engineer have reviewed and recommended that Council accept and authorize the Mayor to enter into and sign the attached Easement Agreement between the Village and Brainard Office LLC, which Easement Agreement is incorporated as if fully rewritten herein, to permit a shopping center gateway sign to be located within the public right-of-way at 3449 E. Brainard, finding that it adequately protects the interests of the Village with regard to the public right-of-way at 3449 E. Brainard;

NOW, THEREFORE, Be it Resolved by the Council of the Village of Woodmere, County of Cuyahoga, State of Ohio that:

Section 1. The Mayor is hereby authorized to enter into and sign the attached Easement Agreement between the Village and Brainard Office LLC, which Easement Agreement is incorporated as if fully rewritten herein, to permit a shopping center gateway sign to be located within the public right-of-way at 3449 E. Brainard.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the Village’s Charter and Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village and for the further reason to immediately permit construction to timely begin on the signage. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval by the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Nicole Y. Culliver, PhD., Council President

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Benjamin I. Holbert, III, Mayor

Approved as to legal form:

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Frank Consolo, Director of Law

ATTEST:

\_\_\_\_\_  
Juliasena W. Stevenson, Clerk of Council

I, Juliasena W. Stevenson, as Clerk of Council of the Village of Woodmere, Ohio do hereby certify that the foregoing is a true and correct copy of Resolution No. 2023-11 adopted by the Council of said Municipality on the \_\_\_\_ day of \_\_\_\_\_, 2023.

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Juliasena W. Stevenson, Clerk of Council