

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In the title, line 10, after "Inc.;" insert "authorizing the Director of Capital Projects to issue a permit to the NEORSD to encroach into the public right-of-way of Crescent Avenue by constructing and installing the public restroom facility;".

2. Insert new Sections 2, 3, 4, and 5 to read as follows:

"Section 2. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council or the Director of Capital Projects, to the NEORSD (Permittee) to encroach into the public right-of-way of Crescent Avenue by constructing and installing the public restroom facility to which Section 1 of this ordinance refers, at the location more fully described as follows:

Encroachment Area

0.0528 Acre

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lot No. 50, being more definitely described as follows;

Commencing at the intersection of the centerline of Crescent Avenue (66 feet wide) and the centerline of West 54th Street (66 feet wide);

Thence, along the centerline of Crescent Avenue, South 87° 59' 21" East, 25.82 feet to the True Point of Beginning for the encroachment herein described;

Thence, leaving said centerline, North 02° 00' 39" East, 33.00 feet to the northerly right of way of Crescent Avenue;

Thence, along the northerly right of way of Crescent Avenue, South 87° 59' 21" East, 59.00 feet;

Thence, leaving said northerly right of way of Crescent Avenue, South 02° 00' 39" West, 39.00 feet;

Thence, North 87° 59' 21" West, 59.00 feet;

Thence, North 02° 00' 39" East, 6.00 feet to the point of beginning.

Containing within said bounds of land 0.0528 acre of land (2,301 square feet) as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in January, 2016.

Bearings are based on Ohio State Plane, North Zone NAD83(2011) Grid North.

The permit shall terminate without further action and the restroom facility become property of the City of Cleveland Department of Public Works upon completion of the construction and installation.

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the Director of Law determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, the prospective Permittee has properly indemnified the City against any loss that may result from the encroachment permitted.

Section 4. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure permitted by this ordinance shall conform to plans and specifications first approved by the Manager of the City's Division of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment.

Section 5. That the permit shall reserve to the City reasonable right of entry to the encroachment location."

3. Renumber existing Sections 2, 3, and 4 to new "Section 6", "Section 7", and "Section 8".

Date: _____ (Signed): _____

Jeffrey B. Marks
Assistant Director of Law

Ord. No. 1121-2021