

# Ordinance No. 1152-2022

**By Council Members Howse, Bishop and  
Hairston (by departmental request)**

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to The Manufacturing Advocacy & Growth Network (“MAGNET”) to encroach into the public right-of-way of Chester Avenue by installing, using and maintaining an exterior sign.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council to The Manufacturing Advocacy & Growth Network, (“MAGNET”) located at 1800 East 63<sup>rd</sup> Street, Cleveland, Ohio 44113 (“Permittee”), to encroach into the public right-of-way of Chester Avenue by installing, using and maintaining an exterior sign at the following location:

### Encroachment Description

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a portion of Original 100 Acre Lot No. 337, being more fully bounded and described as follows;

Beginning at the intersection of the southerly right of way line of Hough Avenue N.E., 60 feet wide, and the centerline of East 59th Street, 49 feet wide at a monument box assembly, being referenced by a drill hole in stone found north 0.05 feet thereof, thence South 01° 12' 00" East along the centerline of said East 59th Street, a distance of 554.73 feet to a drill hole found in a monument box assembly, thence North 88° 57' 07" East, a distance of 24.50 feet to a point on the easterly right of way line of said East 59th Street and the southerly right of way line of Curtis Ave., 66 feet wide, thence North 88° 57' 07" East along the southerly right of way line of said Curtis Ave, distance of 454.16 feet to a point, thence North 00° 57' 49" West a distance of 31.88 feet to a point, thence North 89° 02' 11" East a distance of 115.00 feet to a point, also being the Principal Place of Beginning for the land herein described;

Course No.1 Thence South 00° 57'49" East a distance of 22.00 feet to an angle point thereon;

Course No.2 Thence North 89° 02'11" East a distance of 10.00 feet to an angle point thereon;

Course No.3 Thence North 00° 57'49" West a distance of 22.00 feet to an angle point thereon;

Course No.4 Thence South 89° 02'11" West, a distance of 10.00 feet to the Principal Place of Beginning, said parcel containing 220 square feet or 0.005 acres of land according to a survey by Langan Engineering and Environmental Services dated September 2022 and being the same more or less and being subject to all legal highways and easements. The basis of bearings of this survey is based on the Ohio State Plane Coordinate System, North Zone, NAD 83 (2011) derived from GPS observations and bearings are to denote angles only.

Legal Description approved by Eric B. Westfall, P.S., Section Chief, Plats, Surveys and House Numbering Section.

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Section 2. 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(s) permitted.

Section 3. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) 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(s).

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

JBM:nl  
11-7-2022  
FOR: Director DeRosa

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REPORT  
after second Reading

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**READ FIRST TIME on NOVEMBER 7, 2022**  
and referred to DIRECTORS of Capital Projects,  
City Planning Commission, Finance, Law  
COMMITTEES on Municipal Services and Properties,  
Development Planning and Sustainability

REPORTS

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CITY CLERK

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READ SECOND TIME

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CITY CLERK

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READ THIRD TIME

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PRESIDENT

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CITY CLERK

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APPROVED

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MAYOR

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Published in the City Record \_\_\_\_\_

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**MUNICIPAL SERVICES  
AND PROPERTIES**

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**DEVELOPMENT, PLANNING AND  
SUSTAINABILITY**

FILED WITH COMMITTEE

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