

Ordinance No. 780-2021

By Council Members Polensek, Bishop
and Brancatelli (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Videogame and Record Exchange, Inc. to encroach into the public right-of-way of East 185th Street by using and maintaining an existing store sign in front of the business at 854 East 185th Street, Cleveland, Ohio 44119.

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 Videogame and Record Exchange, Inc., 854 East 185th Street, Cleveland, Ohio 44119 (“Permittee”), to encroach into the public right-of-way of East 185th Street by using and maintaining an existing store sign in front of the store at the following location:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of East 185th Street, 70 feet wide and being further bounded and described as follows:

Beginning at the southeast corner of the existing building (854 E. 185th St.) on the west side of East 185th Street (100 feet wide);

Thence N 00°03’10” E along said east line of said existing building, 9.30 feet to the southwest corner of the rectangular shaped wooden base of the sign, said point also being the Principal Place of Beginning;

Thence continuing N 00°03’10” E, 3.00 feet to the northwest corner of said base of sign;

Thence S 89°56’50” E, 8.20 feet to the northeast corner of said base of sign;

Thence S 00°03’10” W, 3.00 feet to the southeast corner of said base of sign;

Thence N 89°56’50” W, 8.20 feet to the southwest corner of said base of sign and the Principal Place of Beginning; and containing 24.60 square feet of land, as surveyed and described May 15th, 2021 by Alexander B. Parr, P.S. No. 8646. Bearings used herein are to denote angular relationships only and do not represent true north.

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

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

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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 3. 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 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location.

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
9-20-2021
FOR: Interim Director Spronz

