

Ordinance No. 557-2020

By Council Members: McCormack, Santana, Johnson and Brancatelli (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Tremont West Development Corporation to encroach into public rights-of-way within the Tremont neighborhood by installing, using and maintaining 22 bicycle racks.

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 Tremont West Development Corporation, 2406 Professor Avenue, Cleveland, Ohio 44113 (“Permittee”), to encroach into various public rights-of-way within the Tremont neighborhood by installing, using and maintaining 22 bicycle racks at specific locations first reviewed by the Manager of the City Division of Engineering and Construction and approved in writing by the Director of Capital Projects. A list of the approved locations shall be filed for reference in the Division of Engineering and Construction, Survey Section, in the encroachment permit file marked “Tremont West Development Corporation Bike Racks 2020”.

Locations:

- 1 Tremont West Development Corporation (2406 Professor Avenue)
- 1 at the Rowley Inn (1104 Rowley Avenue)
- 1 at the northeast corner of Abbey Avenue and West 19th Street
- 1 at the southwest corner of Kenilworth Avenue and West 11th Street
- 1 along West 14th Street and Lincoln Park
- 1 at St. Michael’s Church (3114 Scranton Road)
- 6 at The Tappan on Scranton (1633 Auburn Avenue)
- 10 additional locations to be proposed by Permittee and subject to approval by the Director.

Total: 22

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 encroachments permitted.

Section 3. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structures permitted by this ordinance shall conform to plans and specifications first approved by the Manager of the Division of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment locations.

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.

Referred to the Directors of Capital Projects; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Development, Planning and Sustainability.