

# Ordinance No. 444-2020

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

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Haddas Window Pane, LLC to encroach into the public right-of-way of Prospect Avenue by installing, using, and maintaining 1 embedded brass medallion, 1 trash receptacle, 4 bronze benches, 8 bronze and 9 concrete planters.

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 Haddas Window Pane, LLC, 630 Woodward Ave Detroit, MI 48226 (“Permittee”), to encroach into the public right-of-way of Prospect Avenue at the specific places within the area on the North side of Prospect Avenue between East 1<sup>st</sup> Street and East 2<sup>nd</sup> Street from the back of the curb to the face of the building that are first reviewed by the Manager of Engineering & Construction and approved in writing by the Director of Capital Projects, by installing, using, and maintaining an embedded brass medallion, a trash receptacle, bronze benches, and bronze and concrete planters, described in greater detail as follows:

One (1) embedded brass medallion recessed flush to the walking surface and embossed with the building insignia, the dimensions of which medallion are proposed to be approximately 48” x48”;

One (1) 34-gallon, trash receptacle, approximately 29” diameter, as manufactured by Landscape Forms, model Poe Litter;

Four (4) bronze benches as manufactured by Landscape Forms, backed, with 1 divider Melville style, with approximate dimensions of 76” width, 19” depth and 30” height;

Eight (8) bronze planters as manufactured by Landscape Forms, model Sorella, with an approximate 15” x 15” footprint and 18” height; and

Nine (9) Wausau-made charcoal-colored concrete planters, model TF4205, of approximately 60” length x 60” width x 36” height.

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

# Ordinance No. 444-2020

---

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  
6/3/2020  
FOR Director Spronz

# Ord. No. 444-2020

REPORT  
after second Reading

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

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Haddas Window Pane, LLC to encroach into the public right-of-way of Prospect Avenue by installing, using, and maintaining 1 embedded brass medallion, 1 trash receptacle, 4 bronze benches, 8 bronze and 9 concrete planters.

READ FIRST TIME on JUNE 3, 2020

REPORTS

and referred to DIRECTORS of City Planning Commission, Law;  
COMMITTEES on Municipal Services and Properties,  
Development Planning and Sustainability

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. 107

Page \_\_\_\_\_

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

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
MUNICIPAL SERVICES  
AND PROPERTIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
SUSTAINABILITY

FILED WITH COMMITTEE