

Ordinance No.1523-2019

Council Member(s) Johnson and Brancatelli
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Michael A. Biro and Rebecca T. Liskay to encroach into the public right-of-way of Lynn Court by installing, using, and maintaining a concrete patio and landscaping.

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 Michael A. Biro and Rebecca T. Liskay, 15700 Lydian Avenue, Cleveland, Ohio 44111 (“Permittee”), to encroach into the public right-of-way of Lynn Court by installing, using, and maintaining a concrete patio and landscaping, at the following location:

“Patio Encroachment”

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of Lynn Court (25.00 feet wide) (formerly known as Rockport Avenue) in the William Dahm Subdivision of part of Original Rockport Township, Section No. 12 as shown by the recorded plat in Volume 66, Page 2 of Cuyahoga County Records, further described as follows;

Beginning at the Intersection of the Northwesterly Line of Lydian Ave. (50.00 feet wide) (formerly known as Herman Avenue) and the Southwesterly Line of said Lynn Court (25.00 feet wide), thence N 40°19'20"W along said Southwesterly Line of Lynn Court, a distance of 38.00 feet, to the Point of Beginning;

Thence N 40°19'20" W, continuing along the aforesaid Southwesterly Line of Lynn Court, a distance of 30.00 feet to a point;

Thence N 49°40'40"E, a distance of 15.00 feet, to a point;

Thence S 40°19'20"E, a distance of 30.00 feet, to a point;

Thence S 49°40'40"W, a distance of 15.00 feet, to the POINT OF BEGINNING;

Said described Encroachment area containing 450 Square Feet, 0.0103 Acres, more or less.

Legal Description approved by Greg Esber, 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 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.

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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 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.

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
11-25-19

FOR: Director Spronz

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READ FIRST TIME on November 25, 2019 **REPORTS**
and referred to DIRECTORS of Capital Projects, City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties, Development, Planning and Sustainability

CITY CLERK

READ SECOND TIME

by the council

CITY CLERK

READ THIRD TIME

by the council

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ Page _____
Published in the City Record _____

REPORT after second Reading

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

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

