

Ordinance No. 27-2020

Council Members B. Jones, Johnson and Brancatelli (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Leonard J. Edwards to encroach into the public right-of-way of Morris Avenue by installing, using, and maintaining a fence 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 Leonard J. Edwards, 1418 East 93rd Street, Cleveland, Ohio, 44106 (“Permittee”), to encroach into the public right-of-way of Morris Avenue by installing, using, and maintaining a fence and landscaping, at the following location:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of the Morris Avenue N.E. Extension of part of Original 100 Acre Lot No. 384 as shown in the Dedication Plat of the Morris Avenue N.E. Extension in Volume 203 of Maps, Page 25 of Cuyahoga County Records further described as follows:

Being the Northerly 8.50 foot of said Morris Avenue N.E. (70.00 feet wide) extending from the SW corner of Sublot 102 to the SE corner of Sublot 102 in the W.J. Crawford & Jas. Parmelee’s Subdivision as shown in Volume 16 of Maps, Page 5 of Cuyahoga County Records.

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 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 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 encroachments.

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.

GE:ge
1-6-20
FOR: Director Spronz

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**REPORT
after second Reading**

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READ FIRST TIME on JANUARY 6, 2020 **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

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

