

# Ordinance No. 582-2024

By Council Members McCormack, Bishop and Hairston (by departmental request)

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to BERGES, LLC to encroach into the public right-of-way of Follett Court by installing, using and maintaining a private sanitary sewer line and a private storm sewer line.

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 to BERGES, LLC to encroach into the public right-of-way of Follett Court by installing, using and maintaining a private 6" sanitary sewer line and a private 6" storm sewer line at the following described location:

### ENCROACHMENT

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Follett Court in the in the Susan K. and Samuel Follett's Re-Subdivision of part of Original Brooklyn Township Lot 69 as shown by the recorded plat in Volume 7 of Page 10 of Cuyahoga County Map Records and further bounded and described as follows:

Beginning at a 5/8" iron pin found at the intersection of the southerly right of way of Follett Court (14 feet wide) and the westerly right of way of said court, also being the northwesterly most corner of the Follett Homes Subdivision Phase 2 as shown on the plat recorded in AFN. 201904040083 of Cuyahoga County Records and the **Principal Place of Beginning** of the encroachment area herein described;

Course 1: Thence North 00°00'16" West along the westerly right of way of Follett Court, 14.00 feet to a 5/8" iron pin found on the northerly right of way of said Court at the southwesterly most corner of land conveyed to Kenneth Kovash by the deed recorded in AFN. 202304270242 of Cuyahoga County Deed Records;

Course 2: Thence South 89°59'57" East along the northerly right of way of Follett Court and the southerly line of land so conveyed to Kenneth Kovah, 7.00 feet to a point;

Course 3: Thence South 00°00'16" East, 14.00 feet to the southerly right of way of Follett Court;

Course 4: Thence North 89°59'57" West along the southerly right of way of Follett Court, 7.00 feet to the **Principal Place of Beginning** and containing 98 square feet of land, as described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in April 2024, subject to all legal highways, restrictions, reservations and easements of record.

Legal Descriptions approved by Eric B. Westfall, Section Chief, Plats, Surveys and House Numbering Section.

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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 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.

JBM:nl  
5-20-2024  
FOR: Director DeRosa

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REPORT  
after second Reading

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READ FIRST TIME on MAY 20, 2024  
and referred to DIRECTORS of Capital Projects,  
City Planning Commission, Finance, Law;  
COMMITTEES on Municipal Services and Properties  
Development Planning and Sustainability

REPORTS

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CITY CLERK

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READ SECOND TIME

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CITY CLERK

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READ THIRD TIME

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PRESIDENT

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CITY CLERK

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APPROVED

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MAYOR

Recorded Vol. **111** Page \_\_\_\_\_

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

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

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

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