

Ordinance No. 684-2021

**By Council Members Polensek, Bishop
and Brancatelli (by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue one or more permits to Muldoon's LLC, to encroach into the public right-of-way of East 185th Street by using and maintaining existing asphalt pavement, fence, brick wall and building canopy for their restaurant at the northwest corner of Villaview Road and East 185th Street.

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 Muldoon's, LLC 1020 East 185th Street, Cleveland, Ohio 44119, ("Permittee"), to encroach into the public right-of-way of East 185th Street by using and maintaining an existing asphalt pavement, fence, brick wall and building canopy for the restaurant at the northwest corner of Villaview Road and East 185th Street, at the following locations:

ENCROACHMENT PERMIT AREA A (Existing asphalt pavement, fence and brick wall)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of East 185th Street, 70 feet wide and being further bounded and described as follows:

Beginning in the Westerly line of East 185th Street at the Northeasterly corner of land conveyed to Muldoon's LLC (PPN 113-08-025) by deed recorded in AFN 201506220527 of Cuyahoga County Records, and known as being Sublot No. 5 in John Mozina's Subdivision, of part of Original Euclid Township Tract No. 15, as shown by the recorded plat in Volume 95, Page 9 of Cuyahoga County Records;

Thence North 89°45'51" East, along Easterly extension of the Northerly line of aforesaid Muldoon's LLC land a distance of 12.66 feet to a point;

Thence South 00°21'08" East, a distance of 34.69 feet to a point of non-tangent curve;

Thence Southwesterly, along said curved line deflecting to the right an arc distance of 38.06 feet to the Westerly end of a curved turnout between the Westerly line of East 185th Street and the Northerly line of Mozina Drive, 40 feet wide, said curved line having a radius of 34.26 feet and a chord which bears South 64°41'45" West, 36.13 feet;

Thence Northeasterly, along said curved turnout deflecting to the left an arc distance of 31.42 feet to a point of tangent in the Westerly line of East 185th Street, said curved line having a radius of 20.00 feet and a chord which bears North 44°45'51" East, 28.28 feet;

Thence North 0°14'09" West, along the Westerly line of East 185th Street a distance of 30.00 feet to the place of beginning and containing 597 square feet of land, as described by Stephen Hovancsek & Associates, Inc., in June, 2021 under the direction of Thomas Cappello, Registered Surveyor No. 7880, State of Ohio, be the same more or less but subject to all legal highways.

The basis of bearing for this description is Ohio State Plane, North Zone, NAD 83 and used to denote angles only.

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ENCROACHMENT PERMIT AREA B (Existing building canopy)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of East 185th Street, 70 feet wide and being further bounded and described as follows:

Beginning in the Westerly line of East 185th Street, also being the Easterly line of land conveyed to Muldoon's LLC (PPN 113-09-001) by deed recorded in AFN 201509020276 of Cuyahoga County Records, of part of Original Euclid Township Tract No. 15, at the Southerly end of a curved turnout between aforesaid Westerly line and the Southerly line of Mozina Drive, 40 feet wide;

Thence Northwesterly, along said curved turnout deflecting to the left an arc distance of 16.78 feet to a point, said curved line having a radius of 20.00 feet and a chord which bears North 24°16'25" West, 16.29 feet;

Thence North 45°10'00" East, a distance of 6.00 feet to a point;

Thence South 44°50'00" East, a distance of 8.00 to a point;

Thence South 13°24'36" West, a distance of 13.79 feet to the place of beginning and containing 74 square feet of land, as described by Stephen Hovancsek & Associates, Inc., in June, 2021 under the direction of Thomas Cappello, Registered Surveyor No. 7880, State of Ohio, be the same more or less but subject to all legal highways.

The basis of bearing for this description is Ohio State Plane, North Zone, NAD 83 and used to denote angles only.

ENCROACHMENT PERMIT AREA C (Existing asphalt pavement and fence)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of East 185th Street, 70 feet wide and being further bounded and described as follows:

Beginning in the intersection of the Westerly line of aforementioned East 185th Street and the Northwesterly line of Villaview Road, width varies, also being the Southeasterly corner of land conveyed to Muldoon's LLC, (PPN 113-09-001) by deed recorded in AFN 201509020276 of Cuyahoga County Records, of part of Original Euclid Township Tract No. 15;

Thence North 0°14'09" West, along the Westerly line of aforesaid East 185th Street a distance of 100.89 feet to a point;

Thence North 89°37'33" East, a distance of 12.68 feet to a point;

Thence South 0°22'27" East, a distance of 80.75 feet to a point;

Thence South 21°34'17" West, a distance of 43.56 feet to a point;

Thence South 68°54'45" West, a distance of 108.41 feet to a point in the Southerly extension of a Northerly line of aforesaid Villaview Road;

Thence North 2°43'31" West, a distance of 8.87 feet, along said Southerly extension and continuing along the Northerly line of Villaview Road an angle point therein, also being the Southerly line of aforesaid Muldoons LLC land;

Thence North 64°18'03" East, along said Northerly line of Villaview Road a distance of 116.30 feet to the place of beginning and containing 2,696 square feet of land, as described by Stephen Hovancsek & Associates, Inc., in June, 2021 under the direction of Thomas Cappello, Registered Surveyor No. 7880, State of Ohio, be the same more or less but subject to all legal highways.

The basis of bearing for this description is Ohio State Plane, North Zone, NAD 83 and used to denote angles only.

Legal Description approved by Eric B. Westfall, P.S., Acting 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 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
8-18-2021
FOR: Interim Director Spronz

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REPORT
after second Reading

By Council Members Polensek, Bishop and Brancatelli
(by departmental request)

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READ FIRST TIME on AUGUST 18, 2021

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

Recorded Vol. **108**

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COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

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DEVELOPMENT, PLANNING AND
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