

# Ordinance No. 990-2019

Council Member(s) Zone, Johnson, Brancatelli and Kelley (by departmental request)

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to The Convention and Visitors Bureau of Greater Cleveland, Inc. to encroach into the public right-of-way of West 29th Street by installing, using, and maintaining public art to enhance the Lakefront West Bikeway Trail; and authorizing the Director of Public Works to enter into one or more license agreements with The Convention and Visitors Bureau of Greater Cleveland, Inc. to install and maintain public art on City-owned property in an area south of the Cleveland Memorial Shoreway between West 49<sup>th</sup> Street and West 54<sup>th</sup> Street on City-owned property to enhance the Lakefront West Bikeway Trail.

---

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 The Convention and Visitors Bureau of Greater Cleveland, Inc., 334 Euclid Avenue, Cleveland, OH 44114 ("The Convention and Visitors Bureau"), to encroach into the public right-of-way of West 29th Street by installing, using, and maintaining public art to enhance the Lakefront West Bikeway Trail at the following location:

### **Location of CUDC/Seventh Hill lookout platform**

To be located on an un-improved portion of the West 29th Street (66.00 feet wide), north of the Cleveland Memorial Shoreway and south of the north line of Washington Avenue (66.00 feet wide), approximately 3 feet north of the Lakefront Bikeway.

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 Convention and Visitors Bureau has properly indemnified the City against any loss that may result from the encroachment permitted.

# Ordinance No. 990-2019

---

Section 3. That The Convention and Visitors Bureau may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure 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 The Convention and Visitors Bureau shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

Section 5. That, notwithstanding Section 183.16 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into one or more license agreements with The Convention and Visitors Bureau whereby the City is granting The Convention and Visitors Bureau the right to use and occupy City property which is not currently needed for the City's public purposes, for the installation, use, and maintenance of public art in an area south of the Cleveland Memorial Shoreway between West 49<sup>th</sup> Street and West 54<sup>th</sup> Street to enhance the Lakefront West Bikeway Trail, at a cost of \$1.00 and other valuable consideration. The location of the public art site is more fully described as follows:

### **Location of Scott Goss "Bird's Eye" artwork**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of Parcel "D" in the Plat of Lot Split and Consolidation prepared for the City of Cleveland of part of Original Brooklyn Township Lot No. 50 as shown by the recorded plat in Volume 351 of Maps, Page 12 of Cuyahoga County Records further described as follows:

To be located approximately 140 east of Parcel "C" in said Plat of Lot Split and Consolidation prepared for the City of Cleveland, 25 feet north of the Lakefront Bikeway and approximately 24 feet north of a point of intersection of two streetlight poles.

# Ordinance No. 990-2019

---

Section 6. That the license agreement or agreements shall have a term of three years and shall automatically renew for successive one-year terms thereafter unless terminated by either party.

Section 7. That the license agreement or agreements shall be prepared by the Director of Law.

Section 8. That the Director of Public Works and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other action as may be necessary or appropriate to effect the license agreement or agreements authorized by this ordinance.

Section 9. 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:LW:nl  
8-21-19

FOR: Directors Spronz and Cox

**Ord. No. 990-2019**

**REPORT**  
after second Reading

**Council Member(s) Zone, Johnson, Brancatelli and Kelley (by departmental request)**

**AN EMERGENCY ORDINANCE**

Authorizing the Director of Capital Projects to issue a permit to The Convention and Visitors Bureau of Greater Cleveland, Inc. to encroach into the public right-of-way of West 29th Street by installing, using, and maintaining public art to enhance the Lakefront West Bikeway Trail; and authorizing the Director of Public Works to enter into one or more license agreements with The Convention and Visitors Bureau of Greater Cleveland, Inc. to install and maintain public art on City-owned property in an area south of the Cleveland Memorial Shoreway between West 49<sup>th</sup> Street and West 54<sup>th</sup> Street on City-owned property to enhance the Lakefront West Bikeway Trail.

**READ FIRST TIME on AUGUST 21, 2019**  
and referred to **DIRECTORS of Capital Projects, Public Works, Planning Commission, Finance, Law; COMMITTEES on Municipal Services and Properties, Development Planning and Sustainability, Finance**

**REPORTS**

\_\_\_\_\_  
**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 \_\_\_\_\_

