

Ordinance No. 232-2024

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

AN EMERGENCY ORDINANCE

Authorizing the Director of the Mayor's Office of Capital Projects to issue a permit to The Sherwin-Williams Company to encroach into the public rights-of-way of West 3rd Street, Frankfort Avenue, Public Square West Roadway, Superior Avenue, West St. Clair Avenue, and West 6th Street by installing, using and maintaining various objects.

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 Sherwin-Williams Company, 101 West Prospect Avenue, Cleveland, Ohio 44115, ("Permittee"), to encroach into the public rights-of-way of West 3rd Street, Frankfort Avenue, Public Square West Roadway, Superior Avenue, West St. Clair Avenue, and West 6th Street by installing, using and maintaining various items including: monument signs, security bollards, light poles and concrete site walls (all with buried foundations), sidewalks with an embedded snow melt system, electrical outlets with mounts and conduits for electric power supply, buried storm drains and inlets, utility vaults, a landscape irrigation system with sprinkler heads, irrigation pipes and pipe sleeves to facilitate the functioning of the three buildings that are part of the Sherwin-Williams Global Headquarters, at the following locations:

LEGAL DESCRIPTIONS FOR ENCROACHMENTS

ENCROACHMENT AREA 1 (West 6th Street) **0.0009 acre of land**

Containing a monument sign with a buried foundation and conduits for electric power supply to the sign.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being within the right of way of West 6th Street (99 feet wide).

Commencing at a stone in a monument box at the intersection of the centerline of Superior Avenue (132 feet wide) and the centerline of West 6th Street (99 feet wide), thence North 34°28'33" West along the said centerline of West 6th Street, a distance of 433.19 feet to a point thereon, thence North 55°31'27" East, a distance of 41.92 feet to the Place of Beginning of the easement area herein described;

Course No. 1: thence North 34°28'33" West, a distance of 5.00 feet to a point;

Course No. 2: thence North 55°31'27" East, a distance of 7.58 feet to a point on the easterly line of said West 6th Street;

Course No. 3: thence South 34°28'33" East along the said easterly line of West 6th Street, a distance of 5.00 feet to a point thereon;

Course No. 4: thence South 55°31'27" West, a distance of 7.58 feet to the place of beginning of the easement herein described containing 0.0009 acre of land, more or less.

Ordinance No. 232-2024

ENCROACHMENT AREA 5 (Superior Avenue) **0.0629 acre of land**

Containing bollards, utilities vaults, light poles with buried foundations and conduits for electric power supply, electrical outlets with mounts and conduits for electric power supply, and a landscape irrigation system with sprinkler heads, irrigation pipes and pipe sleeves.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being within the right of way of Superior Avenue (132 feet wide).

Commencing at a 1" iron pin in a monument box at the intersection of the centerline of Superior Avenue (132 feet wide) and the centerline of West 3rd Street (99 feet wide), thence South 55°27'14" West along the said centerline of Superior Avenue, a distance of 83.25 feet to a point thereon, thence North 34°32'46" West, a distance of 50.82 feet to the Place of Beginning of the easement area herein described;

Course No. 1: thence South 55°27'14" West, a distance of 180.45 feet to a point;

Course No. 2: thence North 34°33'02" West, a distance of 15.18 feet to a point on the northerly line of Superior Avenue;

Course No. 3: thence North 55°27'14" East along the northerly line of Superior Avenue, a distance of 180.45 feet to a point thereon;

Course No. 4: thence South 34°33'02" East, a distance of 15.18 feet to the place of beginning of the easement herein described containing 0.0629 acre of land, more or less.

ENCROACHMENT AREA 6 (West 3rd Street) **0.2267 acre of land**

Containing security bollards with buried foundations, sidewalks with an embedded snow melt system, light poles with buried foundations and conduits for electric power supply, electrical outlets with mounts and conduits for electric power supply, concrete site walls with buried foundations, buried storm drains and storm drain inlets, utility vaults, and a landscape irrigation system with sprinkler heads, irrigation pipes and pipe sleeves.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being within the right of way of West 3rd Street (99 feet wide).

Commencing at a 1" iron pin in a monument box at the intersection of the centerline of Superior Avenue (132 feet wide) and the centerline of West 3rd Street (99 feet wide), thence North 34°33'02" West along the said centerline of West 3rd Street, a distance of 67.33 feet to a point thereon, thence South 55°26'58" West, a distance of 26.34 feet to the Place of Beginning of the easement area herein described;

Course No. 1: thence South 55°27'10" West, a distance of 23.16 feet to a point on the westerly line of West 3rd Street;

Course No. 2: thence North 34°33'02" West along the westerly line of West 3rd street, a distance of 500.05 feet to a point thereon;

Course No. 3: thence North 55°31'02" East, a distance of 18.33 feet to a point;

Ordinance No. 232-2024

Course No. 4: thence South 34°33'02" East, a distance of 284.43 feet to a point;

Course No. 5: thence North 55°26'57" East, a distance of 8.47 feet to a point;

Course No. 6: thence South 34°33'02" East, a distance of 13.00 feet to a point;

Course No. 7: thence South 55°27'10" West, a distance of 8.53 feet to a point;

Course No. 8: thence South 34°35'09" East, a distance of 78.26 feet to a point;

Course No. 9: thence North 55°29'45" East, a distance of 4.88 feet to a point;

Course No. 10: thence South 34°31'48" East, a distance of 124.34 feet to the place of beginning of the easement herein described containing 0.2267 acre of land, more or less.

ENCROACHMENT AREA 7 (West 6th Street) **0.0545 acre of land**

Containing a monument sign with a buried foundation, and conduits for electric power supply to the sign, irrigation pipes and pipe sleeves.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being within the right of way of West 3rd Street (99 feet wide).

Commencing at a stone in a monument box at the intersection of the centerline of Superior Avenue (132 feet wide) and the centerline of West 6th Street (99 feet wide), thence North 34°28'33" West along the said centerline of West 6th Street, a distance of 73.11 feet to a point thereon, thence North 55°31'27" East, a distance of 29.83 feet to the Place of Beginning of the easement area herein described;

Course No. 1: thence North 34°24'44" West, a distance of 228.71 feet to a point;

Course No. 2: thence North 55°27'10" East, a distance of 9.01 feet to a point;

Course No. 3: thence South 34°24'27" East, a distance of 79.50 feet to a point;

Course No. 4: thence North 55°31'27" East, a distance of 10.50 feet to a point on the easterly line of West 6th Street;

Course No. 5: thence South 34°28'35" East along the easterly line of West 6th Street, a distance of 15.00 feet to a point thereon;

Course No. 6: thence South 55°31'26" West, a distance of 10.52 feet to a point;

Course No. 7: thence South 34°24'27" East, a distance of 87.22 feet to a point;

Course No. 8: thence North 55°31'27" East, a distance of 10.62 feet to a point on the easterly line of West 6th Street;

Course No. 9: thence South 34°28'36" East along the easterly line of West 6th Street, a distance of 15.00 feet to a point thereon;

Course No. 10: thence South 55°31'26" West, a distance of 10.64 feet to a point;

Ordinance No. 232-2024

Course No. 11: thence South 34°24'27" East, a distance of 32.01 feet to a point;

Course No. 12: thence South 55°35'43" West, a distance of 8.99 feet to the place of beginning of the easement herein described containing 0.0545 acre of land, more or less.

ENCROACHMENT AREA 8 (West St. Clair Avenue) **0.0008 acre of land**

Containing a monument sign with a buried foundation and conduits for electric power supply to the sign.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being within the right of way of West Saint Clair Avenue (99 feet wide).

Commencing at a 1" iron pin in a monument box at the intersection of the centerline of West Saint Clair Avenue (99 feet wide) and the centerline of West 3rd Street (99 feet wide), thence South 55°34'31" West along the said centerline of West Saint Clair Avenue, a distance of 128.04 feet to a point thereon, thence South 34°25'29" East, a distance of 42.88 feet to the Place of Beginning of the easement area herein described;

Course No. 1: thence South 34°25'29" East, a distance of 6.62 feet to a point on the southerly line of West Saint Clair Avenue;

Course No. 2: thence South 55°34'31" West along the southerly line of West Saint Clair Avenue, a distance of 5.00 feet to a point thereon;

Course No. 3: thence North 34°25'29" West, a distance of 6.62 feet to a point;

Course No. 4: thence North 55°34'31" East, a distance of 5.00 feet to the place of beginning of the easement herein described containing 0.0008 acre of land, more or less.

ENCROACHMENT AREA 9 (West 3rd Street) **0.0790 acre of land**

Containing security bollards with buried foundations, sidewalks with an embedded snow melt system, electrical outlets with mounts and conduits for electric power supply, and a landscape irrigation system with sprinkler heads, irrigation pipes and pipe sleeves.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being within the right of way of West 3rd Street (99 feet wide).

Commencing at a 1" iron pin in a monument box at the intersection of the centerline of Superior Avenue (132 feet wide) and the centerline of West 3rd Street (99 feet wide), thence North 34°33'02" West along the said centerline of West 3rd Street, a distance of 84.50 feet to a point thereon, thence North 55°26'58" East, a distance of 29.53 feet to the Place of Beginning of the easement area herein described;

Course No. 1: thence North 34°32'50" West, a distance of 213.87 feet to a point;

Course No. 2: thence North 55°27'10" East, a distance of 8.72 feet to a point;

Ordinance No. 232-2024

Course No. 3: thence South 34°33'02" East, a distance of 99.12 feet to a point;

Course No. 4: thence North 55°26'57" East, a distance of 8.28 feet to a point;

Course No. 5: thence North 34°33'02" West, a distance of 96.45 feet to a point;

Course No. 6: thence North 55°26'58" East, a distance of 2.97 feet to a point on the easterly line of West 3rd Street;

Course No. 7: thence South 34°33'02" East along the easterly line of West 3rd Street, a distance of 211.20 feet to a point thereon;

Course No. 8: thence South 55°26'57" West, a distance of 19.97 feet to the place of beginning of the easement herein described containing 0.0790 acre of land, more or less.

ENCROACHMENT AREA 10 (Frankfort Avenue) **0.0244 acre of land**

Containing pipe bollards with buried foundations, and a landscape irrigation system with sprinkler heads, a landscape irrigation system with sprinkler heads, irrigation pipes and pipe sleeves.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being within the right of way of Frankfort Avenue (45 feet wide).

Commencing at the intersection of the centerline of Frankfort Avenue (45 feet wide) and the centerline of West 3rd Street (99 feet wide), thence North 55°30'32" East along the said centerline of Frankfort Avenue, a distance of 64.92 feet to a point thereon, thence South 34°29'28" East, a distance of 9.75 feet to the Place of Beginning of the easement area herein described;

Course No. 1: thence North 55°27'10" East, a distance of 199.00 feet to a point;

Course No. 2: thence South 34°32'50" East, a distance of 5.45 feet to a point on the northerly line of Frankfort Avenue;

Course No. 3: thence South 55°30'32" East along the northerly line of Frankfort Avenue, a distance of 199.00 feet to a point thereon;

Course No. 4: thence North 34°32'50" West, a distance of 5.25 feet to the place of beginning of the easement herein described containing 0.0244 acre of land, more or less.

ENCROACHMENT AREA 11 (Public Square West Roadway & Superior Avenue) **0.1885 acre of land**

Containing a monument sign with a buried foundation, light poles with buried foundations and conduits for electric power supply, electrical outlets with mounts and conduits for electric power supply, and a landscape irrigation system with sprinkler heads, irrigation pipes and pipe sleeves.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being within the right of way of Superior Avenue and Public Square West Roadway.

Ordinance No. 232-2024

Commencing at an iron pin at the intersection of the centerline of Superior Avenue (132 feet wide) and the centerline of West 3rd Street (99 feet wide), thence North 55°27'14" East along the said centerline of Superior Avenue, a distance of 46.25 feet to a point thereon, thence North 34°32'46" West, a distance of 59.00 feet to the Place of Beginning of the easement area herein described;

Course No. 1: thence North 34°32'46" West, a distance of 7.00 feet to a point;

Course No. 2: thence North 55°27'14" East along the northerly line of Superior Avenue and the westerly prolongation thereof, a distance of 219.53 feet to a point on the westerly line of the West Roadway of Public Square;

Course No. 3: thence North 34°32'45" West along the westerly line of the West Roadway of Public Square, a distance of 231.89 feet to a point thereon;

Course No. 4: thence North 55°27'15" East, a distance of 7.69 feet to a point;

Course No. 5: thence South 34°32'50" East, a distance of 15.44 feet to a point;

Course No. 6: thence North 55°27'10" East, a distance of 14.00 feet to a point;

Course No. 7: thence South 34°32'50" East, a distance of 210.00 feet to a point;

Course No. 8: thence South 55°27'10" West, a distance of 14.00 feet to a point;

Course No. 9: thence South 34°31'21" East, a distance of 13.44 feet to a point;

Course No. 10: thence South 55°28'10" West, a distance of 14.02 feet to a point;

Course No. 11: thence South 34°33'02" East, a distance of 9.99 feet to a point;

Course No. 12: thence South 55°27'10" East, a distance of 190.00 feet to a point;

Course No. 13: thence North 34°33'09" West, a distance of 9.99 feet to a point;

Course No. 14: thence South 55°27'10" West, a distance of 23.20 feet to the place of beginning of the easement herein described containing 0.1885 acre of land, more or less.

Legal Descriptions approved by Eric B. Westfall, P.S., Survey 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.

Ordinance No. 232-2024

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
2-26-2024
FOR: Director DeRosa

Ord. No. 232-2024

REPORT
after second Reading

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

AN EMERGENCY ORDINANCE

Authorizing the Director of the Mayor's Office of Capital Projects to issue a permit to The Sherwin-Williams Company to encroach into the public rights-of-way of West 3rd Street, Frankfort Avenue, Public Square West Roadway, Superior Avenue, West St. Clair Avenue and West 6th Street by installing, using and maintaining various objects.

READ FIRST TIME on FEBRUARY 26, 2024
and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **111** Page _____

Published in the City Record _____

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

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

