

# Ordinance No. 883-2020

**By Council Members Mooney, Spencer,  
Johnson and Brancatelli (by departmental  
request)**

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to the Tamir Rice Foundation to construct, install, use and maintain certain streetscape and landscape improvements that will encroach into the City right-of-way known as the old West Boulevard alignment between Detroit Avenue and Madison Avenue, in the area known as Cudell Commons.

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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 the Tamir Rice Foundation to construct, install, use and maintain certain streetscape and landscape improvements that will encroach into the City right-of-way known as the old West Boulevard alignment between Detroit Avenue and Madison Avenue that is now a part of City's greenspace at Cudell Commons, at the following location:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio as known as being a portion of West Boulevard (prior to its relocation in 1977) south of Detroit Avenue and north of Madison Avenue, more fully described as follows:

Commencing at a point on the easterly line of old West Boulevard at the southwesterly corner of lands deeded to the City of Cleveland on Volume 98-12250, Page 34 Cuyahoga County Records, said point being south, along the easterly line of old West Boulevard, about 471.87 feet from the intersection of the easterly line of old West Boulevard and the southerly line of Detroit Ave. (R/W varies).

Thence Westerly, along the Easterly line of old West Boulevard, about 5 feet to an angle point on the easterly line of old West Boulevard.

Thence Southerly, along the easterly line of old West Boulevard, about 6 feet, to a point on the northerly edge of an existing concrete sidewalk.

Thence, leaving the Easterly line of old West Boulevard, Southwesterly, Westerly and Northwesterly, along the northerly edge of said concrete sidewalk, about 60 feet to a point on the westerly line of old West Boulevard.

Thence, Northerly, along the Westerly line of old West Boulevard, about 75 feet to a point on the westerly projection of the southerly edge of said concrete sidewalk.

Thence Easterly and Southeasterly, along the southerly edge of said concrete sidewalk, about 75 feet to a point on the Easterly line of said old West Boulevard.

Thence Southerly, along the Easterly line of said old West Boulevard, about 10 feet to the place of beginning. Being that portion Cudell Commons, within the perimeter of the above described existing concrete sidewalk.

Legal Description approved by Eric B. Westfall, Section Chief (acting), 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  
11-18-2020  
FOR: Director Spronz

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REPORT  
after second Reading

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**READ FIRST TIME on NOVEMBER 18, 2020**  
**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

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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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