

# Ordinance No. 860-2019

**Council Members Griffin, Conwell, Johnson and Brancatelli (by departmental request)**

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue one or more permits to University Circle Inc. to encroach into the public right-of-way at various locations in University Circle by installing, using, and maintaining approximately 33 CircleLink signs and poles as part of the "Uptown Mobility Enhancements" TLCI implementation project.

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 one or more permits, revocable at the will of Council, to University Circle Inc., ("Permittee") 10831 Magnolia Drive Cleveland Ohio 44106-1887, to encroach into the public right-of-way at various locations in University Circle by installing, using, and maintaining approximately 33 CircleLink signs and poles as part of the "Uptown Mobility Enhancements" TLCI implementation project. The permit(s) authorized shall not be issued until the Manager of the Division of Engineering and Construction and the Director of Capital Projects have first reviewed and approved each specific encroachment location that Permittee requests.

### **BlueLink Primary/Secondary/Trailblazer designation**

- |   |            |               |
|---|------------|---------------|
| 1. Little Italy-Univ. Circle RTA Station – West   | Primary,   | New Pole      |
| 2. Mayfield Road & Circle Drive / Abington Arms   | Secondary, | New Pole      |
| 3. Ford Drive & Hessler Road / Uptown             | Secondary, | New Pole      |
| 4. Ford Drive & Juniper Road / Glidden House      | Secondary, | New Pole      |
| 5. Institute of Music                             | Secondary, | New Pole      |
| 6. Hazel Drive & Magnolia Drive                   | Secondary, | New Pole      |
| 7. Cleveland History Center / Magnolia West       | Secondary  | New Pole      |
| 8. VA Medical Center                              | Secondary  | New Pole      |
| 9. Museum of Art                                  | Secondary  | New Pole      |
| 10. Botanical Garden / CWRU Law                   | Secondary  | New Pole      |
| 11. Ford Drive & Bellflower Road                  | Secondary  | New Pole      |
| 12. Uptown / Ford Garage                          | Primary    | New Pole      |
| 13. Mayfield Road & Circle Drive/Transplant House | Secondary  | New Pole      |
| 14. Little Italy-Univ. Circle RTA Station – East  | Primary    | New Pole      |
| 15. Mayfield Road & East 126 <sup>th</sup> Street | Secondary  | New Pole      |
| 16. Mayfield Road & East 124 <sup>th</sup> Street | Secondary  | Existing Pole |

### **GreenLink**

- |   |           |               |
|---|-----------|---------------|
| 1. Cedar - University RTA Station       | Primary   | New Pole      |
| 2. Murray Hill Road                     | Secondary | New Pole      |
| 3. Rainbow Babies & Children's Hospital | Secondary | Existing Pole |
| 4. University Hospitals                 | Secondary | New Pole      |
| 5. Severance Hall                       | Secondary | New Pole      |

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6. East Boulevard & Bellflower Road	Secondary	New Pole
7. Tinkham Veale University Center	Secondary	New Pole
8. Bellflower Road & Ford Drive	Secondary	New Pole
9. Hessler Court	Secondary	New Pole
10. CWRU NRV South	Secondary	New Pole
11. CWRU NRV North	Secondary	New Pole
12. Juniper Road	Secondary	New Pole
13. Ford Drive & Juniper Road	Secondary	New Pole
14. CWRU Quad / Adelbert Hall	Secondary	Existing Pole
15. CWRU quad / DeGrace	Secondary	Existing Pole
16. 1-2-1 Fitness / Veale	Secondary	New Pole
17. CWRU SRV / Murray Hill	Secondary	New Pole

Section 2. That the encroaching objects permitted shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

Section 3. That Permittee may assign a permit only with the prior written consent of the Director of Capital Projects. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to poles owned by others; Permittee shall obtain such permission from the respective pole owner.

Section 4. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 5. That the Permit shall reserve reasonable right of entry to the encroachment location to the City.

Section 6. 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:ge      7-24-19      FOR: Director Spronz

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**REPORT  
after second Reading**

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**READ FIRST TIME on JULY 24, 2019** **REPORTS**  
and referred to **DIRECTORS** of Capital Projects,  
**City Planning Commission, Finance, Law;**  
**COMMITTEES** on Municipal Services and Properties,  
**Development Planning and Sustainability**

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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**

\_\_\_\_\_  
**PRESIDENT**

\_\_\_\_\_  
**CITY CLERK**

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**APPROVED**

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