

Ordinance No. 685-2021

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to the Greater Cleveland Regional Transit Authority to encroach into the public rights-of-way of West 63rd Place, Corona Court and Lawn Avenue by installing, using, and maintaining a sanitary sewer force main from the existing substation building to the existing sewer along Lawn Avenue.

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 Greater Cleveland Regional Transit Authority, 1240 West 6th Street, Ohio 44113-1302, ("Permittee"), to encroach into the public rights-of-way of West 63rd Place, Corona Court and Lawn Avenue by installing, using, and maintaining a sanitary sewer force main from the existing substation building to the existing sewer along Lawn Avenue at the following location:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 33, being more definitely described as follows;

Beginning at the intersection of the northerly right of way of Lawn Avenue (60 feet wide) and the easterly right of way of West 63rd Place (12 feet wide);

Thence, South 24° 11' 16" East, 30.00 feet to the centerline of Lawn Avenue;

Thence, along the centerline of Lawn Avenue, South 65° 48' 44" West, 6.00 feet;

Thence, leaving said centerline, North 24° 11' 16" West, 138.90 feet;

Thence, North 20° 48' 44" East, 32.67 feet;

Thence, North 65° 48' 44" East, 71.17 feet;

Thence, North 00° 04' 30" East, 7.68 feet to the northerly right of way of Corona Court (14 feet wide);

Thence, along the northerly right of way of Corona Court, North 65° 48' 44" East, 7.68 feet;

Thence, leaving said northerly right of way, South 00° 04' 30" West, 15.36 feet to the southerly right of way of Corona Court;

Thence, along the southerly right of way of Corona Court the following two courses;

South 65° 48' 44" West, 72.79 feet;

Thence, South 20° 48' 44" West, 28.28 feet to the easterly right of way of West 63rd Place;

Ordinance No. 685-2021

Thence, along the easterly right of way of West 63rd Place, South 24° 11' 16" East, 105.00 feet to the point of beginning.

Containing within said bounds 0.0372 acre (1,620 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in May, 2021.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North

Legal Description approved by Eric B. Westfall, P.S., Acting 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 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

