

# Ordinance No. 227-18

Council Member McCormack

## **AN EMERGENCY ORDINANCE**

Authorizing the Director of Capital Projects to enter into one or more agreements with Downtown Cleveland Alliance, and/or the State of Ohio Department of Natural Resources, and/or Flats East Development LLC or its designee; to issue a permit to encroach into the public rights-of-way of Main Avenue, Old River Road, West 11<sup>th</sup> Street, West 10<sup>th</sup> Street and West 9<sup>th</sup> Street by installing, using, and maintaining electric power improvements, lighting and wayfinding signs, historical and informational kiosks and required electrical ducts; to accept easements for additional rights-of-way at no cost to the City; and to record any necessary documents.

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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 enter into one or more agreements for joint use for project implementation with Downtown Cleveland Alliance, 1010 Euclid Avenue, 3<sup>rd</sup> floor, Cleveland, Ohio 44115, and/or the State of Ohio Department of Natural Resources, and/or Flats East Development LLC, or its designee, 950 Main Street, Suite 190, Cleveland, Ohio 44113, for a State Capital Improvement Community Recreation Project, and to accept easements for additional right-of-way for the Project, at no cost to the City.

Section 2. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Flats East Development LLC or its designee ("Permittee"), to encroach into the public rights-of-way of Main Avenue, Old River Road, West 11<sup>th</sup> Street, West 10<sup>th</sup> Street and West 9<sup>th</sup> Street by installing, using, and maintaining electric power improvements lighting and wayfinding signs, historical and informational kiosks, and required electrical ducts, at specific locations to be reviewed and approved in writing by the Director of Capital Projects prior to any installation.

Section 3. That the Director of Law shall prepare the agreement(s) and 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

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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 4. That Permittee may assign the permit authorized 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 5. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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:nl  
2-26-18

FOR: Councilmember McCormack

**Council Member McCormack**

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**READ FIRST TIME on FEBRUARY 26, 2018** **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

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PRESIDENT

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CITY CLERK

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APPROVED

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MAYOR

**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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