

# Ordinance No. 714-2024

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

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to TTE Real Estate Group LLC to encroach into the public right-of-way of an unnamed short street between West 7<sup>th</sup> Street and West 10<sup>th</sup> Street by using and maintaining an existing driveway for access, parking and handicapped access/parking.

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 TTE Real Estate Group LLC, 2070 West 7<sup>th</sup> Street, Cleveland, OH 44113 (“Permittee”), to encroach into the public right-of-way of an unnamed short street between West 7<sup>th</sup> Street and West 10<sup>th</sup> Street, by using and maintaining an existing driveway for access, parking and handicapped access/parking at the following location:

### **Driveway and Parking Encroachment**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of the William Slade Jr. Allotment of part of the Original Brooklyn Township Lot No. 87, as shown by the plat recorded in Volume 1, Page 23 of Cuyahoga County Map Records and further bounded and described as follows:

Beginning at a 1” iron pin found (0.03 feet north, 0.00 feet east) in a monument box at the centerline intersection of West 7<sup>th</sup> Street (formerly University Street) (90 feet wide) and a Short Street (60 feet wide) as shown on the William Slade Jr. Allotment recorded in Volume 1, Page 23 of Cuyahoga County Map Records; Thence South 58°42’30” West along the centerline of said Short Street, 49.79 feet to the westerly right of way of West 7<sup>th</sup> Street; Thence South 37°29’00” East along the westerly right of way of West 7<sup>th</sup> Street, 13.08 feet to the **Principal Place of Beginning** of the encroachment area herein described;

Course No. 1: Thence South 37°29’00” East continuing along the westerly right of way of West 7<sup>th</sup> Street, 17.10 feet to the southerly right of way of said Short Street;

Course No. 2: Thence South 58°42’30” West along said southerly right of way of Short Street, 45.50 feet to a point;

Course No. 3: Thence North 20°58’54” West, 15.50 feet to a point;

Course No. 4: Thence North 50°58’15” West, 13.00 feet to a point;

Course No. 5: Thence North 58°42’30” East, 28.00 feet to the westerly right of way of West 7<sup>th</sup> Street to the **Principal Place of Beginning**, containing 0.0165 acres of land as described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in May 2024, subject to all legal highways, restrictions, reservations and easements of record.

Legal Descriptions approved by Eric B. Westfall, Section Chief,  
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 encroachments permitted.

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:ew  
7-10-2024  
FOR: Director DeRosa

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REPORT  
after second Reading

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**READ FIRST TIME on JULY 10, 2024**

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

Recorded Vol. **111** Page \_\_\_\_\_

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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