

Ordinance No.766-2026

By Council Members Howse-Jones,
Griffin, Bishop and Santana
(by departmental request)

AN EMERGENCY ORDINANCE
Authorizing the Director of Capital
Projects to issue a permit to UC City
Center LLC to encroach into the public
rights-of-way of Chester Avenue, Martin
Luther King Jr. Drive and Stokes
Boulevard.

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 UC City Center LLC, 1999 Circle Drive, Suite B,
Cleveland, Ohio 44106 (“Permittee”), to encroach into the public rights-of-way of
Chester Avenue, Martin Luther King Jr. Drive and Stokes Boulevard by constructing,
using and maintaining building overhangs and balconies at the following locations:

Aerial Encroachment Chester Avenue

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known
as being part of Original One Hundred Acre Lot No. 402, and also being known
as that area from approximate elevation 692.00 feet and extending upward to
elevation 927.00 feet, NAVD 88, and the Finish Floor Elevation of the building
being 672.79 feet and being further bounded and described as follows:

Beginning at stone w/drill hole monument found at the intersection of the
extended Westerly right-of-way of Stokes Boulevard. (Width Varies) formerly
known as Fairmount Street and East 107th Street, and as shown on the Dedication
and Consolidation Plat for Circle Square recorded in A.F.N. 202103120630 of
Cuyahoga County Records and the centerline of Chester Avenue (Width Varies),
as shown on the Dedication Plat in Volume 127, Page 13 of Cuyahoga County
Records;

Thence North 89°50’48” East, along the centerline of said Chester Avenue, a
distance of 30.10 feet to the intersection with the centerline of said Stokes
Boulevard;

Thence South 00°30’38” East, along the centerline of said Stokes Boulevard, a
distance of 67.28 feet;

Thence North 89°29’22” East, a distance of 43.81 feet to the principal place of
beginning of the parcel herein described;

Course 1: Thence North 19°02’05” East, a distance of 10.41 feet;

Course 2: Thence South 70°57’55” East, a distance of 28.39 feet to a point on the
Southerly right of way for said Chester Avenue;

Course 3: Thence South 88°55’00” West, along the Southerly right of way for said
Chester Avenue, a distance of 30.24 feet to the place of principal beginning
and containing 0.0034 Acres (148 Square Feet) of lands.

Aerial Encroachment Stokes Boulevard

Ordinance No. 766-2026

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original One Hundred Acre Lot No. 402, and also being known as that area from approximate elevation 692.00 feet and extending upward to elevation 927.00 feet, NAVD 88, and the Finish Floor Elevation of the building being 672.79 feet and being further bounded and described as follows:

Beginning at stone w/drill hole monument found at the intersection of the extended Westerly right-of-way of Stokes Boulevard. (Width Varies) formerly known as Fairmount Street and East 107th Street, and as shown on the Dedication and Consolidation Plat for Circle Square recorded in A.F.N. 202103120630 of Cuyahoga County Records and the centerline of Chester Avenue (Width Varies), as shown on the Dedication Plat in Volume 127, Page 13 of Cuyahoga County Records;

Thence North 89°50’48” East, along the centerline of said Chester Avenue, a distance of 30.10 feet to the intersection with the centerline of said Stokes Boulevard;

Thence South 00°30’38” East, along the centerline of said Stokes Boulevard, a distance of 67.30 feet;

Thence North 89°29’22” East, a distance of 42.20 feet to the intersection of the Easterly right of way for said Stokes Boulevard and the Southerly right of way for said Chester Avenue;

Thence South 00°30’38” East, along the Easterly right of way for said Stokes Boulevard, a distance of 3.51 feet to the principal place of beginning of the parcel herein described;

Course 1: Thence South 00°30’38” East, continuing along the Easterly right of way for Said Stokes Boulevard, a distance of 78.78 feet;

Course 2: Thence North 70°56’33” West, a distance of 11.28 feet;

Course 3: Thence North 03°03’27” East, a distance of 54.79 feet;

Course 4: Thence North 19°03’27” East, a distance of 21.56 feet to the place of Principal beginning and containing 0.0134 Acres (582 Square Feet) of lands.

Aerial Encroachment Martin Luther King, Jr. Drive

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original One Hundred Acre Lot No. 402, and also being known as that area from approximate elevation 692.00 feet and extending upward to elevation 927.00 feet, NAVD 88, and the Finish Floor Elevation of the building being 672.79 feet and being further bounded and described as follows:

Beginning at stone w/drill hole monument found at the intersection of the extended Westerly right-of-way of Stokes Boulevard. (Width Varies) formerly known as Fairmount Street and East 107th Street, and as shown on the Dedication and Consolidation Plat for Circle Square recorded in A.F.N. 202103120630 of Cuyahoga County Records and the centerline of Chester Avenue (Width Varies), as shown on the Dedication Plat in Volume 127, Page 13 of Cuyahoga County Records;

Ordinance No. 766-2026

- Thence North 89°50’48” East, along the centerline of said Chester Avenue, a distance of 30.10 feet to the intersection with the centerline of said Stokes Boulevard;
- Thence South 00°30’38” East, along the centerline of said Stokes Boulevard, a distance of 67.30 feet;
- Thence North 89°29’22” East, a distance of 42.20 feet to the intersection of the Easterly right of way for said Stokes Boulevard and the Southerly right of way for said Chester Avenue;
- Thence North 88°55’22” East, along the Southerly right of way for said Chester Avenue, a distance of 43.72 feet;
- Thence South 71°19’33” East, continuing along the Southerly right of way for said Chester Avenue, a distance of 125.38 feet to the intersection of the said Southerly right of way for Chester Avenue and the Westerly right of way for Martin Lurther King Jr. Drive (Width Varies);
- Thence South 00°29’06” East, along the Westerly right of way for said Martin Luther King Jr. Drive, a distance of 11.87 feet to the principal place of beginning of the parcel herein described;
- Course 1: Thence South 70°57’55” East, a distance of 7.00 feet;
- Course 2: Thence South 03°02’05” West, a distance of 76.26 feet;
- Course 3: Thence South 19°02’05” West, a distance of 10.61 feet;
- Course 4: Thence North 70°57’55” West, a distance of 7.91 feet to a point on a non-tangent curve on the Westerly right of way for said Martin Luther King Jr. Drive;
- Course 5: Thence along the Westerly right of way for Martin Luther King Jr. Drive, by the arc of a curve deflecting to the right, a distance of 81.61 feet to a non-tangent point. Said arc having a radius of 547.98 feet, a central angle of 08°31’57” and a chord which bears North 05°54’28” East, a distance of 81.53 feet;
- Course 6: Thence North 00°29’06” West, continuing along the Westerly right of way for said Martin Luther King Jr. Drive, a distance of 4.79 feet to the place of principal beginning and containing 0.0183 Acres (798 Square Feet) of lands
- as surveyed by Terrence E. Worsch Registered Surveyor No. 8138-Ohio of Neff & Associates, Dated March 24, 2026. Distances shown hereon are given in feet and decimal parts thereof. The basis of bearings for this survey is NAD83 (2011) Ohio State Plane Coordinate System, North Zone (3401) and is used to denote angles only. Be the same more or less, but subject to all legal highways and easements

Legal Descriptions approved by Eric B. Westfall, Section Chief, Plats, Surveys and House Numbering Section.

Ordinance No. 766-2026

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. That 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. Notwithstanding the foregoing, Permittee may assign the permit to a designee related entity or to a lender or subsequent owners or successors in interest.

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:uo
7-15-2026
FOR: Director DeRosa

Ord. No. 766-2026

By Council Members Howse-Jones, Griffin, Bishop and Santana (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to UC City Center LLC to encroach into the public rights-of-way of Chester Avenue, Martin Luther King Jr. Drive and Stokes Boulevard.

READ FIRST TIME on JULY 15, 2026
and referred to DIRECTORS of Capital Projects, City Planning Commission, Finance and Law;
COMMITTEES on Municipal Services and Planning,
Development, Planning and Sustainability,

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

REPORT
after second Reading

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY