

Ordinance No. 1246-2024

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Fundamental Parking, LLC to encroach into the public right-of-way of Scranton Road by installing, using and maintaining the foundation and northern building wall of the Cleveland Clinic Global Peak Performance Center.

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 Fundamental Parking, LLC, 630 Woodward Avenue, Detroit, MI 48226 ("Permittee") to encroach into the public right-of-way of Scranton Road by installing, using and maintaining the foundation and northern building wall of the Cleveland Clinic Global Peak Performance Center at the following location:

Encroachment Description

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot No. 217, being more definitely described as follows;

Commencing at the top of stone in a monument box found at the intersection of the centerline of W. 3rd Street (103.5 feet wide) and the centerline of Stones Levee (70 feet wide), said point bearing South 34° 31' 05" East, 7.45 feet from the intersection of the centerline of W. 3rd Street and the centerline of Scranton Road (70 feet wide); Thence, along the centerline of W. 3rd Street, South 34° 31' 05" East, 27.62 feet; Thence, leaving the centerline of W. 3rd Street, North 59° 08' 18" East, 68.64 feet to the intersection of the northeasterly right of way of W. 3rd Street and the southeasterly right of way of Scranton Road; Thence, along the southeasterly right of way of Scranton Road, North 59° 08' 18" East, 6.71 feet to the True Point of Beginning for the encroachment therein described;

Course 1: Thence, leaving the southeasterly right of way of Scranton Road, North 30° 51' 42" West, 7.75 feet;

Course 2: Thence, North 59° 08' 18" East, 124.71 feet;

Course 3: Thence, South 30° 51' 42" East, 7.75 feet to the southeasterly right of way of Scranton Road;

Course 4: Thence, along southeasterly right of way of Scranton Road, South 59° 08' 18" West, 124.71 feet to the point of beginning. Containing within said bounds 0.0222 acres of land (966 square feet), be the same more or less.

Legal Description approved by Eric B. Westfall, P.S., 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 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
11-18-2024
FOR: Director DeRosa

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REPORT
after second Reading

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READ FIRST TIME on NOVEMBER 18, 2024
and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

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