

# Ordinance No. 1045-17

## AN EMERGENCY ORDINANCE

Council Members K. Johnson and Brancatelli  
(by departmental request)

Authorizing the Director of Capital Projects to issue a permit to 2097 Columbus, LLC to encroach into the public rights-of-way of Freeman Avenue and Columbus Road by installing, using, and maintaining a balcony or an overhang and a balcony at six locations.

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 2097 Columbus, LLC, 7670 Tyler Boulevard Mentor, OH 44060 ("Permittee"), to encroach into the public rights-of-way above Freeman Avenue and Columbus Road by installing, using, and maintaining a balcony or an overhang and a balcony at each of the following six locations:

### **OVERHANG ENCROACHMENT S/L1 THE NINA SUBDIVISION**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, known as being part of Original Brooklyn Townships Lot 69 & 70, also known as being an encroachment within the Right of Way of Columbus Road for the benefit of Sublot No.1 of the Nina Subdivision as recorded in AFN 201705300505 of Cuyahoga County Map Records;

Beginning at the intersection of the Easterly sideline of Columbus Road (80 feet wide) with the Northerly sideline of Freeman Avenue (66 feet wide), said point further being the Southwesterly corner of said Sublot No.1 of the Nina Subdivision;

Thence North 00°37'59" West along said Easterly sideline of Columbus Road, 1.50 feet to the PRINCIPAL PLACE of BEGINNING;

COURSE I: Thence South 89°22'10" West, 1.88 feet to a point;

COURSE II: Thence North 00°37'50" West, 14.50 feet to a point;

COURSE III: Thence North 89°22'10" East, 1.88 feet to a point in said Easterly sideline;

COURSE IV: Thence South 00°37'59" East along said Easterly sideline, 14.50 feet to the Principal Place of Beginning and containing 0.0006 acres (27 square feet) as calculated and described July 2017 by James R Pegoraro, Jr., P.S. 8150 of LDC, Inc., be the same, more or less, but subject to all legal highways and easements of record.

### **OVERHANG ENCROACHMENT S/L 2 THE NINA SUBDIVISION**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, known as being part of Original Brooklyn Townships Lot 69 & 70, also known as being an encroachment within the Right of Way of Freeman Avenue for the benefit of Sublot No.2 of the Nina Subdivision as recorded in AFN 201705300505 of Cuyahoga County Map Records;

# Ordinance No. 1045-17

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Beginning at a point in Northerly sideline of Freeman Avenue (66 feet wide), said point further being the Southwesterly corner of said Sublot No.2 of the Nina Subdivision;

Thence North 89°22'10" East along said Northerly sideline of Freeman Avenue, 0.52 feet to the PRINCIPAL PLACE of BEGINNING;

COURSE I: Thence North 89°22'10" East, continuing along said sideline, 9.00 feet to a point;

COURSE II: Thence South 00°37'50" East, 1.00 feet to a point;

COURSE III: Thence South 89°22'10" West, 9.00 feet to a point;

COURSE IV: Thence North 00°37'50" West, 1.00 feet to the Principal Place of Beginning and containing 0.0002 acres (9 square feet) as calculated and described July 2017 by James R. Pegoraro, Jr., P.S. 8150 of LDC, Inc., be the same, more or less, but subject to all legal highways and easements of record.

## **OVERHANG ENCROACHMENT S/L 3 THE NINA SUBDIVISION**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, known as being part of Original Brooklyn Townships Lot 69 & 70, also known as being an encroachment within the Right of Way of Freeman Avenue for the benefit of Sublot No. 3 of the Nina Subdivision as recorded in AFN 201705300505 of Cuyahoga County Map Records;

Beginning at a point in Northerly sideline of Freeman Avenue (66 feet wide), said point further being the Southeasterly corner of said Sublot No.3 of the Nina Subdivision;

Thence South 89'22'10" West along said Northerly sideline of Freeman Avenue, 0.49 feet to the PRINCIPAL PLACE of BEGINNING;

COURSE I: Thence South 00'37'50" East, 0.50 feet to a point;

COURSE II: Thence South 89'22'10" West, 19.50 feet to a point;

COURSE III: Thence North 00'37'50" West, 0.50 feet to a point in said Northerly sideline;

COURSE IV: Thence North 89'22'10" East along said Northerly sideline, 19.50 feet to the Principal Place of Beginning and containing 0.0002 acres (10 square feet) as calculated and described July 2017 by James R. Pegoraro, Jr., P.S. 8150 of LDC, Inc., be the same, more or less, but subject to all legal highways and easements of record.

## **OVERHANG ENCROACHMENT S/L 4 THE NINA SUBDIVISION**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, known as being part of Original Brooklyn Townships Lot 69 & 70, also known as being an encroachment within the Right of Way of Freeman Avenue for the benefit of Sublot No. 4 of the Nina Subdivision as recorded in AFN 201705300505 of Cuyahoga County Map Records;

Beginning at a point in Northerly sideline of Freeman Avenue (66 feet wide), said point further being the Southeasterly corner of said Sublot No.4 of the Nina Subdivision;

# Ordinance No. 1045-17

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Thence South 89'22'10" West along said Northerly sideline of Freeman Avenue, 2.04 feet to the PRINCIPAL PLACE of BEGINNING;

COURSE I: Thence South 00'37'50" East, 1.50 feet to a point;

COURSE II: Thence South 89'22'10" West, 11.33 feet to a point;

COURSE III: Thence North 00'37'50" West, 1.50 feet to a point in said Northerly sideline;

COURSE IV: Thence North 89'22'10" East along said Northerly sideline, 11.33 feet to the Principal Place of Beginning and containing 0.0004 acres (17 square feet) as calculated and described July 2017 by James R. Pegoraro, Jr., P.S. 8150 of LDC, Inc., be the same, more or less, but subject to all legal highways and easements of record.

## **OVERHANG ENCROACHMENT S/L 5**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, known as being part of Original Brooklyn Townships Lot 69 & 70, also known as being an encroachment within the Right of Way of Freeman Avenue for the benefit of Sublot No. 5 of the Nina Subdivision as recorded in AFN 201705300505 of Cuyahoga County Map Records;

Beginning at a point in Northerly sideline of Freeman Avenue (66 feet wide), said point further being the Southeasterly corner of said Sublot No.5 of the Nina Subdivision;

Thence South 89°22'10" West along said Northerly sideline of Freeman Avenue, 1.17 feet to the PRINCIPAL PLACE of BEGINNING;

COURSE I: Thence South 00°37'50" East, 2.00 feet to a point;

COURSE II: Thence South 89°22'10" West, 10.00 feet to a point;

COURSE III: Thence North 00°37'50" West, 2.00 feet to a point in said Northerly sideline;

COURSE IV: Thence South 89°22'10" West along said Northerly sideline, 10.00 feet to the Principal Place of Beginning and containing 0.0005 acres (20 square feet) as calculated and described July 2017 by James R Pegoraro, Jr., P.S. 8150 of LDC, Inc., be the same, more or less, but subject to all legal highways and easements of record.

## **OVERHANG ENCROACHMENT S/L 6**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, known as being part of Original Brooklyn Townships Lot 69 & 70, also known as being an encroachment within the Right of Way of Freeman Avenue for the benefit of Sublot No. 6 of the Nina Subdivision as recorded in AFN 201705300505 of Cuyahoga County Map Records;

Beginning at a point in Northerly sideline of Freeman Avenue (66 feet wide), said point further being the Southeasterly corner of said Sublot No.6 of the Nina Subdivision;

Thence South 89°22'10" West along said Northerly sideline of Freeman Avenue, 2.46 feet to the PRINCIPAL PLACE of BEGINNING;

# Ordinance No. 1045-17

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COURSE I: Thence South 00°37'50" East, 1.00 feet to a point;

COURSE II: Thence South 89°22'10" West, 10.58 feet to a point;

COURSE III: Thence North 00°37'50" West, 1.00 feet to a point in said Northerly sideline;

COURSE IV: Thence North 89°22'10" East along said Northerly sideline, 10.58 feet to the Principal Place of Beginning and containing 0.0002 acres (11 square feet) as calculated and described July 2017 by James R Pegoraro, Jr., P.S. 8150 of LDC, Inc., be the same, more or less, but subject to all legal highways and easements of record.

Legal Description approved by Greg Esber, 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  
9-18-17

FOR: Director Spronz

**Ord. No. 1045-17**

**REPORT  
after second Reading**

**Council Members K. Johnson and Brancatelli (by departmental request)**

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Authorizing the Director of Capital Projects to issue a permit to 2097 Columbus, LLC to encroach into the public rights-of-way of Freeman Avenue and Columbus Road by installing, using, and maintaining a balcony or an overhang and a balcony at six locations.

**READ FIRST TIME on SEPTEMBER 18, 2017**  
and referred to **DIRECTORS** of Capital Projects,  
City Planning Commission, Finance, Law;  
**COMMITTEES** on Municipal Services and Properties,  
Development Planning and Sustainability

REPORTS

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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. \_\_\_\_\_ 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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