

# Ordinance No. 1323-17

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

## **AN EMERGENCY ORDINANCE**

Authorizing the Director of Capital Projects to issue a permit to Tremont West Development Corporation to encroach into the public rights-of-way of Jefferson Avenue and Professor Street by installing, using, and maintaining an art bench and planting bed.

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 Tremont West Development Corporation, 2406 Professor Street, Cleveland, Ohio 44113 ("Permittee"), to encroach into the public rights-of-way of Jefferson Avenue and Professor Street by installing, using, and maintaining an art bench and planting bed at the N.W. corner of Jefferson Avenue and Professor Street. The exact location of each encroaching structure shall be first approved by the Director of Capital Projects and shown on approved plans in the Office of Capital Projects' Plats, Surveys and House Numbering Section file titled "Tremont West Development Corporation Art Bench and Planting Bed 2017."

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 under 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.

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**REPORT  
after second Reading**

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**READ FIRST TIME on OCTOBER 30, 2017** **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. \_\_\_\_\_ 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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