

Ordinance No. 809-2025

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to the Cleveland Clinic Foundation to encroach into, over and under the public right-of-way of East 96th Street by installing, using and maintaining a canopy, footers and columns.

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 Cleveland Clinic Foundation, located at 9500 Euclid Avenue, Cleveland, Ohio 44195 (“Permittee”), to encroach into, over and under the public right-of-way of East 96th Street by installing, using and maintaining a canopy supported by four columns and footers at the following location:

Encroachment Description

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, being part of Range 12, Town 6 of the Connecticut Western Reserve Survey, and being part of Original 100 Acre Lot Number 401, and being within the right-of-way of East 96th Street (66 feet wide), and being more completely described as follows:

Commencing at the centerline intersection of said East 96th Street and the centerline of Carnegie Avenue SE (80 feet wide); thence, North 0° 29' 20” East along the centerline of said East 96th Street, 375.47 feet; to the PLACE OF BEGINNING for the area herein described;

Course No. 1: thence South 88° 38' 28” West, 33.02 feet, to the western right-of-way of said East 96th Street;

Course No. 2: thence North 0° 29' 20” East, along the western right-of-way of said East 96th Street, 121.06 feet;

Course No. 3: thence North 88° 38' 31” East, 29.11 feet;

Course No. 4: thence South 1° 21' 32” East, 121.00 feet, to the PLACE OF BEGINNING, containing *0.0863 acres*, (3,758.9 square feet) more or less, but subject to all highways, covenants, and easements of legal record as prepared in February 2025 by *McSteen Land Surveyors* under Project No. 24-167(a).

Legal Description approved by Eric B. Westfall, P.S., 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

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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:uo
7-9-2025
FOR: Director DeRosa

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READ FIRST TIME on JULY 9, 2025 **REPORTS**
and referred to **DIRECTORS** of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

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