

Ordinance No. 282-2023

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to enter into a maintenance, inspection and repair agreement with and to issue a permit to the Cleveland Clinic Foundation to encroach into the public right-of-way above East 89th Street by constructing, installing, using, and maintaining an overhead pedestrian bridge.

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 enter into a bridge maintenance, inspection, and repair agreement with, and to issue an encroachment permit revocable at the will of Council, to the Cleveland Clinic Foundation, 9500 Euclid Avenue, Mailstop HS1, Cleveland, OH 44195 (“Permittee”), to construct, install, use, and maintain an overhead pedestrian bridge encroaching into the public right-of-way above East 89th Street at the following described location:

OVERHEAD BRIDGE ENCROACHMENT

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and being a part of Original 100 Acre Lot Number 400 and being a part of Carnegie Avenue as shown by the Dedication Plat in Volume 114, Page 9 of Cuyahoga County Map Records, said bridge shall be between the elevations of 694.82 feet and 716.77 feet, and being more fully bounded and described as follows:

Beginning at a point at the centerline intersection of said Carnegie Avenue, 80 feet wide, and East 89th Street, 60 feet wide; thence North 00°24’08” West along the said East 89th Street, a distance of 292.04 feet to a point and being the Principal Place of Beginning of the Area of Encroachment herein described;

Course No. 1: Thence South 88°58’56” West, a distance of 30.00 feet to a point on the Westerly line of said East 89th Street;

Course No. 2: Thence North 00°24’08” West along the said Westerly line of East 89th Street, a distance of 26.00 feet to a point;

Course No. 3: Thence North 88°58’56” East, a distance of 60.00 feet to a point on the Easterly line of said East 89th Street;

Course No. 4: Thence South 00°24’08” East along the said Easterly line of East 89th Street, a distance of 26.00 feet to a point;

Course No. 5: Thence South 88°58’56” West, a distance of 30.00 feet to the place of beginning and containing 0.036 acres, 1,560 square feet, of land and being the same more or less but subject to all legal highways and easements.

The bearings described herein are based on Grid North (North 00°00’00” East) from GPS observations utilizing the Ohio State Plane North American Datum 1983 (2011 adj,

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North Zone) coordinate system. Vertical elevations are related to North American Vertical Datum (NAVD) 1988. All distances expressed herein are in US Survey Feet.

Legal Description approved by Eric B. Westfall, P.S., Acting Section Chief, Plats, Surveys and House Numbering Section.

The permit shall be issued only after execution of the maintenance, inspection, and repair agreement and only when, in the opinion of the Director of Law, Permittee has satisfactorily indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 2. That Permittee may assign the agreement or 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 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 3. That the Director of Law shall prepare the agreement and 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.

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
3-6-2023
FOR: Director DeRosa

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REPORT
after second Reading

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READ FIRST TIME on MARCH 6, 2023

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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COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

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COMMITTEE ON
**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

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