

Ordinance No. 1273-2023

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to 1865 W 22ND ST., LLC to encroach into the public right-of-way of West 22nd Street by installing, using and maintaining new entrance staircases and an at-grade courtyard.

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 1865 W 22ND ST., LLC, 24441 Detroit Rd., Suite 250, Westlake, Ohio 44145 ("Permittee"), to encroach into the public right-of-way of West 22nd Street by installing, using and maintaining new entrance staircases and an at-grade courtyard at the following location:

West 22nd Street Encroachment

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being within the right-of-way of West 22nd Street adjacent to a parcel of land described in a deed to 1865 W 22nd St., LLC as recorded in AFN 202306290180 of the Cuyahoga County Records, and further described as follows:

Commencing at the intersection of the centerline of Bridge Avenue N.W. (66 feet wide) with the centerline of West 22nd Street (66 feet wide); Said point witnessed by a MAG nail set on the centerline of said West 22nd Street, South 31° 43' 28" East at a distance of 50.00 feet;

Thence, South 31° 43' 28" East, along the centerline of said West 22nd Street, a distance of 171.95 feet to the centerline of said vacated Gould Court;

Thence, leaving said centerline of West 22nd Street, North 60° 41' 21" East, along the centerline of vacated Gould Court, a distance 33.03 feet to a point in the northeasterly right-of-way of said West 22nd Street, said point being the True Place of Beginning of land herein described;

Course 1: Thence South 31° 43' 28" East, along the northeasterly right-of-way line of said West 22nd Street, a distance of 1.57 feet to a point;

Course 2: Thence South 58° 16' 32" West, a distance of 10.50 feet to a point;

Course 3: Thence North 31° 43' 28" West, parallel with the northeasterly right-of-way line of said West 22nd Street, a distance of 51.00 feet to a point;

Course 4: Thence North 58° 16' 32" East, a distance of 10.50 feet to a point in the northeasterly right-of-way line of said West 22nd Street;

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Course 5: Thence South 31° 43' 28" East, along the northeasterly right-of-way line of said West 22nd Street, a distance of 49.43 feet to the True Place of Beginning.

Legal Descriptions approved by Eric B. Westfall, 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 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.

JBW:ew
11-13-2023
FOR: Director DeRosa

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REPORT
after second Reading

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READ FIRST TIME on NOVEMBER 13, 2023
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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