

# Ordinance No. 711-2024

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

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Quan Am Temple to encroach into the public right-of-way of Bellaire Road by installing, using and maintaining a roof overhang.

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 to Quan Am Temple, 11931 Bellaire Road, Cleveland, Ohio 44135 ("Permittee") to encroach into the public right-of-way of Bellaire Road by installing, using and maintaining a roof overhang at the following location:

### ENCROACHMENT

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Bellaire Road of part of the Original Rockport Township Section 10 and further bounded and described as follows:

Beginning at a 5/8" iron pin found bent (0.30 feet north and 0.22 feet east) at the intersection of the easterly right of way of Bellaire Road (100 feet wide) and the northerly right of way of Brookfield Avenue (50 feet wide);

Thence North 46°20'28" East along the easterly right of way of Bellaire Road, 57.85 feet to the Principal Place of Beginning of the "Encroachment Area" herein described;

Course 1: Thence North 02°31'46" East, 5.90 feet;

Course 2: Thence South 87°28'14" East, 5.66 feet to a point on the easterly right of way of said Bellaire Road;

Course 3: Thence South 46°20'28" West along easterly right of way of Bellaire Road, 8.18 feet to the Principal Place of Beginning, containing 0.0004 acres (17 square feet) as described by Peter J. Gauriloff, P.S. No. 8646 of The Riverstone Company in April of 2024 and subject to all legal highways, restrictions, reservations and easements.

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.

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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:ew  
7-10-2024  
FOR: Director DeRosa

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REPORT  
after second Reading

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READ FIRST TIME on JULY 10, 2024

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

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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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