

# Ordinance No. 443-2020

By Council Members McCormack,  
Johnson, and Brancatelli  
(by departmental request)

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to DI Rentals LLC to encroach into the public right-of-way beneath West 20<sup>th</sup> Place by installing, using, and maintaining an underground electrical conduit.

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 DI Rentals LLC, 2030 W 19th Street, Cleveland, OH 44113 (“Permittee”), to encroach into the public right-of-way beneath West 20<sup>th</sup> Place by installing, using, and maintaining an underground electrical conduit, at the following location:

### **LEGAL DESCRIPTION OF 8’ ELECTRIC CONDUIT ENCROACHMENT BENEATH WEST 20th PLACE CITY OF CLEVELAND, OHIO**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of West 20th Place (10.00 feet wide) of part of Original Brooklyn Township Lot No. 70 and further bounded and described as follows:

Beginning at a 5/8” iron pin found on the westerly right of way of West 20th Place (10 feet wide) at the southeasterly corner of Parcel “E” on the Plat of Consolidation as shown on the plat recorded in AFN. 201909040416 of Cuyahoga County Records;  
Thence North 00°02’36” East along westerly right of way of West 20th Place, 8.48 feet to a point;  
Thence South 34°33’51” East, 17.61 feet to the easterly right of way of West 20th Place;  
Thence South 00°02’36” West along said easterly right of way of West 20th Place, 14.09 feet to a point;  
Thence North 34°33’51” West, 17.61 feet to the westerly right of way of West 20th Place;  
Thence North 00°02’36” East along the westerly right of way of West 20th Place, 5.61 feet to the **Principal Place of Beginning**, containing 141 Square Feet of land as surveyed and described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in March 2020, subject to all legal highways, restrictions, reservations and easements of record.

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

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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 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 encroachment.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location.

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  
6/3/2020  
FOR: Director Spronz

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REPORT  
after second Reading

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READ FIRST TIME on JUNE 3, 2020

REPORTS

and referred to DIRECTORS of City Planning Commission, 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

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COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
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