

# Ordinance No. 1163-17

## AN EMERGENCY ORDINANCE

**Council Members McCormack, K. Johnson  
and Brancatelli (by departmental request)**

Authorizing the Director of Capital Projects to issue a permit to Key Center Properties LLC to encroach into the public right-of-way of St. Clair Avenue by installing, using, and maintaining an entrance vestibule and canopy.

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 Key Center Properties LLC, 1300 Key Tower, 127 Public Square, Cleveland, Ohio 44114-1310 ("Permittee"), to encroach into the public right-of-way of St Clair Avenue by installing, using, and maintaining an entrance vestibule and canopy at the following location:

### **KEY TOWER VESTIBULE AND CANOPY ENCROACHMENT**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of the Original Two Acre Lots Nos. 61 and 62 and further bounded and described:

Beginning at the intersection of the easterly right of way of Ontario Street (99 feet wide) and the southerly right of way of St. Clair Avenue N.E. (formerly St. Clair Street) (99 feet wide), referenced by a p.k. nail found North 87° 39' 20" West, 1.80 feet;

Thence North 55° 54' 24" East along the southerly right of way of St. Clair Avenue N.E., 114.20 feet to the **Principal Place of Beginning** of encroachment herein described;

Thence North 34° 09' 37" West, 12.30 feet to a point;

Thence North 55° 50' 23" East, 9.85 feet to a point;

Thence South 34° 09' 37" East, 12.31 feet to the southerly right of way of said St. Clair Avenue N.E.;

Thence South 55° 54' 24" West along the southerly right of way of St. Clair Avenue N.E., 9.85 feet to the **Principal Place of Beginning**, containing 121 square feet of land as described by Peter John Gauriloff, P.S. No. 8647 of the Riverstone Company in June of 2017 and subject to all legal highways, easements, reservations and

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

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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 Project. 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 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  
9-25-17

FOR: Director Spronz

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REPORT  
after second Reading

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**READ FIRST TIME on SEPTEMBER 25, 2017** REPORTS  
and referred to DIRECTORS of Capital Projects,  
City Planning Commission, Finance, Law;  
COMMITTEE 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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Published in the City Record \_\_\_\_\_

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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