

Ordinance No. 897-2021

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

AN EMERGENCY ORDINANCE

To amend Section 1 of Ordinance No. 442-2020, passed December 9, 2020, relating to a permit to The Board of Park Commissioners of the Cleveland Metropolitan Park District to encroach into River Avenue by installing, using, and maintaining an asphalt all-purpose trail; and to enter into an amendment to the encroachment permit.

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 Section 1 of Ordinance No. 442-2020, passed December 9, 2020, is amended to read as follows:

Section 1. That the Director of Capital Projects is authorized to issue a permit, ~~revocable at the will of Council~~, to The Board of Park Commissioners of the Cleveland Metropolitan Park District, 1410 Fulton Parkway, Cleveland, OH 44144 ("Permittee"), to encroach into the public right-of-way of River Avenue by installing, using, and maintaining an asphalt all-purpose trail. The permit shall be revocable at the will of Council no earlier than fifteen years after the installation of the all-purpose trail which trail shall be at the following described location:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of River Avenue (66 feet wide):

Commencing at the intersection of the southeasterly line of said River Avenue and the northeasterly line of Mulberry Street (66 feet wide); thence N 18° 40' 05" E, 5.54 feet along the southeasterly line of said River Avenue to the Point of Beginning;

Thence N 71° 19' 55" W, 66.00 feet to the northwesterly line of said River Avenue;

Thence N 18° 40' 05" E, 258.86 feet along the northwesterly line of said River Avenue;

Thence N 18° 31' 25" E, 389.69 feet along the northwesterly line of said River Avenue;

Thence S 04° 23' 15" W, 71.66 feet to the proposed back of curb;

Thence S 18° 31' 25" W, 543.50 feet along said proposed back of curb and the prolongation of said back of curb;

Thence S 71° 19' 55" E, 47.94 feet to the southeasterly line of said River Avenue;

Thence S 18° 40' 05" W, 35.61 feet along the southeasterly line of said River Avenue to the Point of Beginning and containing 12,532 square feet. This legal description was written for Cleveland Metroparks by Gary J. Tata, P.S. #7723. Bearings are based on Grid North derived from GPS observations.

Legal Description approved by Eric Westfall, Section Chief (Acting), Plats, Surveys and House Numbering Section.

Section 2. That existing Section 1 of Ordinance No. 442-2020, passed December 9, 2020, is repealed.

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Section 3. That the Director of Capital Projects is authorized to enter into an amendment to the encroachment permit issued under the authority of Ordinance No. 442-2020 to reflect the change made in Section 1 of this ordinance.

All other terms and conditions shall remain unchanged and in full force and effect.

Section 4. 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
10-11-2021
FOR: Interim Director Spronz

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REPORT
after second Reading

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READ FIRST TIME on OCTOBER 11, 2021

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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