

Ordinance No. 327-2025

By Council Members Bishop and Hairston
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Northeast Ohio Regional Sewer District to encroach into the public right-of-way of Central Avenue by constructing, installing, operating, and maintaining a new pump station.

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 Northeast Ohio Regional Sewer District, 3900 Euclid Avenue, Cleveland, Ohio 44115 ("Permittee"), to encroach into the public right-of-way of Central Avenue by constructing, installing, operating, and maintaining a new pump station at the following location:

Encroachment Legal Description

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of S.S. Stone's Central Tract as recorded in Volume 2, Page 31 of the Cuyahoga County Map Records, being more definitely described as follows;

Commencing at the intersection of the centerline of West 3rd Street (103.5 feet wide) and the centerline of Central Avenue (66 feet wide);

Thence, along the centerline of Central Avenue, North 55° 27' 14" East, 68.50 feet;

Thence, leaving the centerline of Central Avenue, South 34° 31' 05" East, 33.00 feet to the intersection of the northeasterly right of way of West 3rd Street and the southeasterly right of way of Central Avenue, said point being referenced by a 5/8" iron pin found 0.28 feet South and 0.51 feet East;

Thence, along the southeasterly right of way of Central Avenue, North 55° 27' 14" East, 42.15 feet to the True Point of Beginning for the encroachment herein described;

Course 1: Thence, leaving the southeasterly right of way of Central Avenue, North 41° 18' 00" West, 35.34 feet;

Course 2: Thence, North 48° 48' 35" East, 19.81 feet;

Course 3: Thence, North 55° 34' 28" East, 83.55 feet to the southwesterly line of land conveyed to CSX Railroad as recorded in Volume 88-5964, Page 7 of the Cuyahoga County Records;

Course 4: Thence, along the southwesterly line of said land conveyed to CSX Railroad, South 28° 43' 00" East, 4.23 feet;

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Course 5: Thence, continuing along the southwesterly line of said land conveyed to CSX Railroad, South 32° 03' 09" East, 33.03 feet to a 5/8" "6440/7702 Garrett" capped iron pin found in the southeasterly right of way of Central Avenue;

Course 6: Thence, along the southeasterly right of way of Central Avenue, South 55° 27' 14" West, 97.20 feet to the True Point of Beginning. Containing within said bounds 0.0853 acres of land (3,718 square feet) as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in July-September, 2023.

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 encroachment 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:uo
3-18-2025
FOR: Director DeRosa

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REPORT
after second Reading

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READ FIRST TIME on MARCH 18, 2025
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

Recorded Vol. **112** Page _____

Published in the City Record _____

PASSAGE RECOMMENDED BY
COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE _____

PASSAGE RECOMMENDED BY
COMMITTEE ON
**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

FILED WITH COMMITTEE _____

