

# Ordinance No. 333-2024

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

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to UC City Center LLC to encroach into the public right-of-way of Chester Avenue by installing, using and maintaining a parking monument sign.

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 UC City Center LLC, located at 1999 Circle Drive, Suite B, Cleveland, Ohio 44106 (“Permittee”) to encroach into the public right-of-way of Chester Avenue by installing, using and maintaining a parking monument sign at the following location:

### **Encroachment Description**

Situated in the City Cleveland, County of Cuyahoga, State of Ohio: And known as being part of Original One Hundred Acre Lot No. 402 and further bound and described as follows;

Beginning at the northwest corner of the dedicated roadway of Chester Avenue in Dedicated Area 3 in AFN 202103120630 referenced by a 5/8” pin found South 0.22 of said right of way;

Thence North 88°54'01" East, along the northerly line of the previous right of way of Chester Avenue, a distance of 43.41 feet;

Thence South 00°56' 53" East 10.68 feet to the place of beginning;

Course No.1 Thence South 00°56'53" East, distance of 10.60 feet;

Course No.2 Thence South 89°03'07" West, a distance of 8.50 feet;

Course No.3 Thence North 00°56'53" West, a distance of 10.60 feet;

Course No.4 Thence North 89°03'07" East, a distance of 8.50 feet, to the place of beginning and containing 0.0020 Acres (90.10 Square Feet) of land, according to a survey made by Steven J. Metcalf, Registered Surveyor No. 8622-Ohio of Neff & Associates, Dated in January 25, 2021.

The basis of bearing for this survey is Grid North as established by NAD83 (CORS96) Ohio State Plane Coordinate System, North Zone (3401) as observed by GPS Observations.

Legal Description approved by Eric B. Westfall, P.S., 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 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(s) 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(s).

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

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  
3-25-2024  
FOR: Director DeRosa

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REPORT  
after second Reading

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READ FIRST TIME on MARCH 25, 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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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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