

Ordinance No. 1496-2025

By Council Members Bishop and Hairston
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Cleveland Clinic Foundation to encroach into the public right-of-way of Allien Court by installing, using and maintaining a concrete driveway and rip rap erosion control barrier along the existing ravine.

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 the Cleveland Clinic Foundation, located at 9500 Euclid Avenue, Mailstop HS1, Cleveland, OH 44195 (“Permittee”), to encroach into the public right-of-way of Allien Court by installing, using and maintaining a concrete driveway and rip rap erosion control barrier along the existing ravine at the following described location:

Encroachment Description

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being part Original Rockport Township Section No. 13, and part of Allien Court NW (12 feet wide) as dedicated in the Handy Park Subdivision as recorded in Plat Volume 108, page 36 of Cuyahoga County Plat Records and being more completely described as follows:

Commencing at the intersection of the centerline of West 179th Street (40 feet wide) with the centerline of said Allien Court NW; thence South 79° 47' 35" West, along the centerline of said Allien Court NW, 81.09 feet to the TRUE POINT OF BEGINNING for the area herein described:

Course No. 1: thence South 10° 12' 25" East, 6.00 feet to the southerly right-of-way of said Allien Court NW;

Course No. 2: thence South 79° 47' 35" West, along the southerly right-of-way of said Allien Court NW, 39.22 feet;

Course No. 3: thence South 87° 32' 13" West, along the southerly right-of-way of said Allien Court NW, 15.25 feet;

Course No. 4: thence North 42° 42' 35" West, along the southerly right-of-way of said Allien Court NW, 49.22 feet;

Course No. 5: thence North 47° 17' 25" East, 12.00 feet to the northerly right-of-way of said Allien Court NW;

Course No. 6: thence South 42° 42' 35" East, along the northerly right-of-way of said Allien Court NW, 45.08 feet;

Course No. 7: thence North 79° 47' 35" East, along the northerly right-of-way of said Allien Court NW, 46.44 feet;

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Course No. 8: thence South 10° 12' 25" East, 6.00 feet to the TRUE POINT OF BEGINNING, containing 0.027 acres (1163 square feet) of land, more or less, but subject to all highways and easements.

Legal Description approved by Eric B. Westfall, P.S., 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(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
11-17-25

FOR: Director DeRosa

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READ FIRST TIME on NOVEMBER 17, 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 _____

REPORT after second Reading

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY