

Ordinance No. 934-17

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Buray, LLC to encroach into the public right of way of West 25th Street by installing, using, and maintaining an entrance canopy and a building projection.

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 Buray, LLC, 1468 West 25th Street, Cleveland Oh 44113 ("Permittee"), to encroach into the public right-of-way above West 25th Street by installing, using, and maintaining an entrance canopy and a building projection, at the following locations:

Hulett Hotel, Building Projection Encroachment
West 25th Street, Cleveland, Ohio

Being part of the public right of way of West 25th Street and being situated in part of Original Brooklyn Township Lot No. 70, now the City of Cleveland, County of Cuyahoga and State of Ohio and being further bounded and described as follows:

Commencing at the intersection of the centerline of Church Street (66 feet wide) with the centerline of West 25th Street (104 feet wide); thence South 77°08'48" West along said centerline of Church Street, a distance of 41.32 feet to a point thereon; thence North 12°59'54" West, a distance of 33.00 feet to the intersection of the Northerly right of way of said Church Street with the Westerly right of way of said West 25th Street; thence North 12°59'54" West along said Westerly right of way of West 25th Street, a distance of 125.59 feet to the Point of Beginning of the Encroachment herein described;

Course Number 1: thence North 12°59'54" West, a distance of 10.00 feet to a point;

Course Number 2: thence North 77°00'06" East, a distance of 5.50 feet to a point;

Course Number 3: thence South 12°59'54" East, a distance of 10.00 feet to a point;

Course Number 4: thence South 77°00'06" West, a distance of 5.50 feet to the Point of Beginning and containing 55 Square Feet or 0.0013 Acres of land more or less, as surveyed and described by Scott J. Casey, Professional Surveyor Number 8219 on October 29th of 2014 and being subject to all legal highways, easements, reservations or restrictions of record.

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Hulett Hotel, Canopy Encroachment
West 25th Street, Cleveland, Ohio

Being part of the public right of way of West 25th Street and being situated in part of Original Brooklyn Township Lot No. 70, now the City of Cleveland, County of Cuyahoga and State of Ohio and being further bounded and described as follows:

Commencing at the intersection of the centerline of Church Street (66 feet wide) with the centerline of West 25th Street (104 feet wide); thence South 77°08'48" West along said centerline of Church Street, a distance of 41.32 feet to a point thereon; thence North 12°59'54" West, a distance of 33.00 feet to the intersection of the Northerly right of way of said Church Street with the Westerly right of way of said West 25th Street; thence North 12°59'54" West along said Westerly right of way of West 25th Street, a distance of 70.10 feet to the Point of Beginning of the Encroachment herein described;

Course Number 1: thence North 12°59'54" West, a distance of 18.00 feet to a point;

Course Number 2: thence North 77°00'06" East, a distance of 5.50 feet to a point;

Course Number 3: thence South 12°59'54" East, a distance of 18.00 feet to a point;

Course Number 4: thence South 77°00'06" West, a distance of 5.50 feet to the Point of Beginning and containing 99 Square Feet or 0.0023 Acres of land more or less, as surveyed and described by Scott J. Casey, Professional Surveyor Number 8219 on October 29th of 2014 and being subject to all legal highways, easements, reservations or restrictions of record.

Bearings are based on the centerline of West 26th Street as depicted in Volume 350, Page 19 of Cuyahoga County Map Records.

The Canopy shall be located within the described area; approximately 9' above the sidewalk and the building projection shall be located within the described area, between approximately 11' 7" feet above the sidewalk upward 39'8" or as reviewed and approved by the City of Cleveland.

Legal Description approved by Greg Esber, 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.

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Section 3. That Permittee may assign the permit only with the prior written consent of the Director of Capital Project. 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:ge
8-16-17

FOR: Director Spronz

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**REPORT
after second Reading**

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READ FIRST TIME on AUGUST 16, 2017
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. _____ 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

