

Ordinance No. 445-2020

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Ohio City Legacy LLC to encroach into the public rights-of-way of Lorain Avenue, West 25th Street and Gehring Street by installing, using, and maintaining basement shoring, tie-back rods, a building canopy and 2 building-mounted pylon signs.

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 Ohio City Legacy LLC, 3412 Commercial Avenue, Northbrook, IL 60062 (“Permittee”), to encroach into the public rights-of-way of Lorain Avenue, West 25th Street and Gehring Street by installing, using, and maintaining basement shoring, tie-back rods, a building canopy and 2 building-mounted pylon signs, at the following locations:

Lorain Avenue Encroachment Area

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being part of original Brooklyn Township Lot Number 69, being part of Lorain Avenue (102 feet wide), as part of Willeyville Allotment as recorded in Plat Book 2, Page 16, being further bounded and described as follows:

Commencing at a 1-inch rebar found in a monument box at the intersection of the centerline of said Lorain Avenue and the centerline of Gehring Ave. (52 feet wide) thence on the centerline of said Gehring Avenue S 0° 37' 09" E for a distance of 38.42 feet to 1- inch rebar found, thence S 58° 34' 57" W for a distance of 46.40 feet to the **POINT OF BEGINNING** of the parcel of land hereinafter described:

1. Thence S 31° 25' 03" E for a distance of 36.00 feet to the south right of way line of said Lorain Avenue;
2. Thence on the said south right of way line of Lorain Avenue, S 58° 34' 57" W for a distance of 353.26 feet;
3. Thence N 31° 25' 03" W for a distance of 55.00 feet;
4. Thence parallel to the centerline of said Lorain Avenue, N 58° 34' 57" E for a distance of 353.26 feet;
5. Thence S 31° 25' 03" E for a distance of 19.00 feet to the Point of Beginning, containing 0.4460 acres (19,429 sq.ft.) of land, more or less, and subject to all easements, restrictions and covenants of record.

Gehring Avenue Encroachment Area

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being part of original Brooklyn Township Lot Number 69, being part of Gehring Avenue (52 feet wide), as part of Willeyville Allotment as recorded in Plat Book 2, Page 16, being further bounded and described as follows:

Commencing at a 1 inch rebar found in a monument box at the intersection of the centerline of said Lorain Avenue (102 feet wide) and the original centerline of Gehring Avenue (now 52 feet wide) thence on the centerline of said Gehring Avenue S 0° 37' 09" E for a distance of 91.76 feet to the **POINT OF BEGINNING** of the parcel of land hereinafter described, passing over a 1 inch rebar found in a monument box at 38.42 feet:

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1. Thence N 89° 22' 51" E for a distance of 33.00 feet to the east right of way line of said Gehring Avenue;
2. Thence on the said east right of way line of Gehring Avenue, S 0° 37' 09" E for a distance of 437.00 feet;
3. Thence S 89° 22' 51" W for a distance of 52.00 feet to the west right of way line of said Gehring Avenue as vacated by City of Cleveland ordinance 123-2020, passed March 3, 2020;
4. Thence along said west right of way line of Gehring Avenue as vacated, N 0° 37' 09" W for a distance of 437.00 feet;
5. Thence N 89° 22' 51" E for a distance of 19.00 feet to the Point of Beginning, containing 0.5217 acres (22,724 sq.ft.) of land, more or less, and subject to all easements, restrictions and covenants of record.

WEST 25th Street Encroachment Area

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being part of original Brooklyn Township Lot Number 69, being part of West 25th Street (82 1/2 feet wide), as part of Willeyville Allotment as recorded in Plat Book 2, Page 16, being further bounded and described as follows:

Commencing at a stone with a drill hole found on the centerline of Chatham Ave. (66 feet wide) and the west right of way line of said West 25th Street, thence on the extension of the centerline of said Chatham Avenue N 58° 04' 00" E for a distance of 41.25 feet to the centerline of said West 25th Street, thence on the centerline of said West 25th Street, N 31° 43' 21" W for a distance of 192.70 feet to the POINT OF BEGINNING of the parcel of land hereinafter described:

1. Thence S 58° 16' 39" W for a distance of 3.75 feet;
2. Thence parallel with the centerline of said West 25th Street, N 31° 43' 21" W for a distance of 332.00 feet;
3. Thence N 58° 16' 39" E for a distance of 45.00 feet to the intersection of the east right of way line of said West 25th Street and the south right of way line of Lorain Ave. (102 feet wide);
4. Thence on the east right of way line of said West 25th Street, S 31° 43' 21" E for a distance of 332.00 feet;
5. Thence S 58° 16' 39" W for a distance of 41.25 feet to the Point of Beginning, containing 0.3430 acres (14,940 sq.ft.) of land, more or less, and subject to all easements, restrictions and covenants of record. The above description prepared by Steven L. Mullaney, P.S. 7900 of Glaus, Pyle, Schomer, Burns & DeHaven, Inc., dba GPD Group, and based on a field survey made in March of 2020. REPEATED (delete) The above descriptions prepared by Steven L. Mullaney, P.S. 7900 of Glaus, Pyle, Schomer, Burns & DeHaven, Inc., dba GPD Group, and based on a field survey made in March of 2020. All bearings referred to herein, are relative to grid north of the Ohio State Plane Coordinate System, North Zone, NAD83 (2011), as determined from GNSS measurements tied to the Ohio Department of Transportation's VRS system.

Legal Description approved by Greg Esber, 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.

JBМ:nl
6/3/2020
FOR: Director Spronz

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REPORT
after second Reading

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READ FIRST TIME on JUNE 3, 2020

and referred to DIRECTORS of City Planning Commission, 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

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

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

