

Ordinance No. 933-17

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Destination Cleveland to encroach into the public right-of-way within the Gordon Square Area by installing, using, and maintaining four way-finding signs, and electrical duct banks and a permit to Studios at 78th Street, LLC to encroach into the public right-of-way within the Gordon Square Area by installing, using, and maintaining one lantern art sculpture.

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 following:

1) Destination Cleveland, 334 Euclid Avenue, Cleveland, OH 44114, to encroach into the public right-of-way within the Gordon Square area by installing, using, and maintaining four (4) way-finding signs and electrical duct banks at the following approximate locations:

Northwest corner of West 54th and Detroit Avenue;
Southeast corner of West 58th and Detroit Avenue;
Southwest corner of West 65th and Detroit Avenue; and
Northwest corner of West 73rd and Detroit Avenue.

The exact locations shall be reviewed and approved in writing by the Manager of Engineering and Construction and the Director of Capital Projects before installation.

and

2) Studios at 78th Street, LLC, 1300 W 78th St, Cleveland, OH 44102, to encroach into the public right-of-way within the Gordon Square Area by installing, using, and maintaining one lantern art sculpture at the following approximate location:

Southeast corner of West 78th and Lake Avenue, the lantern art sculpture

The exact location shall be reviewed and approved in writing by the Manager of Engineering and Construction and the Director of Capital Projects before installation.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

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Section 2. That each Permittee may assign its 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 and each exact location to be approved by the Manager of Engineering and Construction. That each Permittee shall obtain all other required permits, including but not limited to one or more Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permits authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permits shall be issued only when, in the opinion of the Director of Law, the Permittees have properly indemnified the City against any losses that may result from the encroachment(s) permitted.

Section 4. That the permits 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
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

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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

