

Ordinance No. 751-2023

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to MTP-Bolivar Residences Propco, LLC to encroach into the public rights-of-way above Bolivar Road and Erie Court by installing, using and maintaining entry canopies.

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 MTP-Bolivar Residences Propco, LLC, 130 West 42nd Street, 22nd Floor, New York, New York 10036 (“Permittee”), to encroach into the public rights-of-way above Bolivar Road and Erie Court by installing, using and maintaining entry canopies at the following locations:

Proposed Canopy Encroachment 1

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, Beginning on the Southeasterly line of Bolivar Road, S.E., 86 feet in width, at its intersection with the Northeasterly line of said Original Two Acre Lot No. 147; Thence North 55 deg. 14’ 26” East, along the Southeasterly line of Bolivar Road, a distance of 99.675 feet thereon said point being the principal place of beginning for the parcel more fully bounded and described as follows:

Course No. 1 Thence North 34 deg. 45’ 33.9” West a distance of 6.00 feet to an angle point thereon;

Course No. 2 Thence North 55 deg. 14’ 26.1” East a distance of 27.00 feet to an angle point thereon;

Course No. 3 Thence South 34 deg. 45’ 33.9” East a distance of 6.00 feet to an angle point thereon;

Course No. 4 Thence South 55 deg. 14’ 26.1” West a distance of 27.00 feet to the principal place of beginning, said parcel containing 162 square feet or 0.004 acres of land.

Proposed Canopy Encroachment 2

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, Beginning on the Southeasterly line of Bolivar Road, S.E., 86 feet in width, at its intersection with the Northeasterly line of said Original Two Acre Lot No. 147; Thence North 55 deg. 14’ 26” East, along the Southeasterly line of Bolivar Road, a distance of 182.69 feet thereon said point being the principal place of beginning for the parcel more fully bounded and described as follows:

Course No. 1 Thence North 34 deg. 45’ 33.9” West a distance of 3.00 feet to an angle point thereon;

Course No. 2 Thence North 55 deg. 14’ 26.1” East a distance of 10.50 feet to an angle point thereon;

Course No. 3 Thence South 34 deg. 45’ 33.9” East a distance of 3.00 feet to an angle point thereon;

Course No. 4 Thence South 55 deg. 14’ 26.1” West a distance of 10.50 feet to the principal place of beginning, said parcel containing 31.5 square feet or 000.1 acres of land.

Ordinance No. 751-2023

Proposed Canopy Encroachment 3

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, Beginning on the Southeasterly line of Bolivar Road, S.E., 86 feet in width, at its intersection with the Northeasterly line of said Original Two Acre Lot No. 147; Thence North 55 deg. 14' 26" East, along the Southeasterly line of Bolivar Road, a distance of 227.07 feet thereon said point being the principal place of beginning for the parcel more fully bounded and described as follows:

Course No. 1 Thence North 34 deg. 45' 33.9" West a distance of 3.00 feet to an angle point thereon;

Course No. 2 Thence North 55 deg. 14' 26.1" East a distance of 10.50 feet to an angle point thereon;

Course No. 3 Thence South 34 deg. 45' 33.9" East a distance of 3.00 feet to an angle point thereon;

Course No. 4 Thence South 55 deg. 14' 26.1" West a distance of 10.50 feet to the principal place of beginning, said parcel containing 31.5 square feet or 000.1 acres of land.

Proposed Canopy Encroachment 4

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, Beginning on the Northeasterly line of Erie Court, S.E., 36 feet in width, at its intersection with the Southeasterly line of said Original Two Acre Lot No. 147; Thence North 55 deg. 11' 18" East, along the Northeasterly line of Erie Court, S.E., a distance of 173.98 feet thereon said point being the principal place of beginning for the parcel more fully bounded and described as follows:

Course No. 1 Thence North 55 deg. 11' 18.1" East, along the Northeasterly line of Erie Court, S.E., a distance of 18.00 feet to an angle point thereon;

Course No. 2 Thence South 34 deg. 48' 41.9" East a distance of 2.50 feet to an angle point thereon;

Course No. 3 Thence South 55 deg. 11' 18.1" West a distance of 18.00 feet to an angle point thereon;

Course No. 4 Thence North 34 deg. 48' 41.9" West a distance of 2.50 feet to the principal place of beginning, said parcel containing 45 square feet or 0.001 acres of land according to a survey by Langan Engineering and Environmental Services dated November 2022.

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

Ordinance No. 751-2023

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
7-12-2023
FOR: Director DeRosa

Ord. No. 751-2023

REPORT
after second Reading

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READ FIRST TIME on JULY 12, 2023

REPORTS

and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

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COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY

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