

Ordinance No. 1075-2019

Council Member(s) McCormack

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to West 25th Street Lofts LLC to encroach into the public rights-of-way of Church Avenue and West 25th Street by installing, using, and maintaining a required ADA entrance ramp and hand railing and 2 entrance steps.

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 West 25th Street Lofts LLC, 2599 Church Avenue, Cleveland, Ohio 44113 (“Permittee”), to encroach into the public rights-of-way of Church Avenue and West 25th Street by installing, using, and maintaining a required ADA entrance ramp and hand railing and 2 entrance steps at the following location:

Encroachment description ADA entrance ramp

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, being part of Original Brooklyn Lot No. 51 as shown in Levi Aust Subdivision in Volume 3, Page 12 of the Cuyahoga County Map Records) and more fully described as follows:

Beginning at the intersection of the southerly right-of-way of Church Avenue (66.00 feet wide) and the westerly right-of-way of West 25th Street (now 104 feet wide).

Thence, westerly along said southerly line of Church Avenue, a distance of 16.00 feet, to the TRUE PLACE OF BEGINNING of the Encroachment herein to be described;

Course No. 1: thence, westerly, continuing along said southerly line, a distance of 20.00 feet to a point;

Course No. 2: thence, northerly, a distance of 5.50 feet to a point;

Course No. 3: thence, easterly, a distance of 20.00 feet to a point;

Course No. 4: thence, southerly, a distance of 5.50 feet to the place of beginning.

Encroachment description entrance step 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, being part of Original Brooklyn Lot No. 51 as shown in Levi Aust Subdivision in Volume 3, Page 12 of the Cuyahoga County Map Records) and more fully described as follows:

Beginning at the intersection of the southerly right-of-way of Church Avenue (66.00 feet wide) and the westerly right-of-way of West 25th Street (now 104 feet wide).

Thence, southerly along said westerly line of West 25th Street, a distance of 8.0 feet, to the TRUE PLACE OF BEGINNING of the Encroachment herein to be described;

Course No. 1: thence, southerly, continuing along said westerly line of West 25th Street, a distance of 6.50 feet to a point;

Course No. 2: thence, easterly, a distance of 1.00 feet to a point;

Course No. 3: thence, northerly, a distance of 6.50 feet to a point;

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Course No. 4: thence, westerly, a distance of 1.00 feet to the place of beginning.

Encroachment description entrance step 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, being part of Original Brooklyn Lot No. 51 as shown in Levi Aust Subdivision in Volume 3, Page 12 of the Cuyahoga County Map Records) and more fully described as follows:

Beginning at the intersection of the southerly right-of-way of Church Avenue (66.00 feet wide) and the westerly right-of-way of West 25th Street (now 104 feet wide).

Thence, southerly along said westerly line of West 25th Street, a distance of 30.7 feet, to the TRUE PLACE OF BEGINNING of the Encroachment herein to be described;

Course No. 1: thence, southerly, continuing along said westerly line of West 25th Street, a distance of 6.50 feet to a point;

Course No. 2: thence, easterly, a distance of 1.00 feet to a point;

Course No. 3: thence, northerly, a distance of 6.50 feet to a point;

Course No. 4: thence, westerly, a distance of 1.00 feet to the place of beginning.

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.

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 rights-of-entry to the encroachment location(s).

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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

9-9-19

FOR: Director Spronz

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REPORT
after second Reading

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READ FIRST TIME on SEPTEMBER 9, 2019

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

by the council

CITY CLERK

READ THIRD TIME

by the council

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

