

# Ordinance No. 1166-2024

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

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to 1865 W 22ND ST., LLC, to encroach into the public right-of-way of West 22<sup>nd</sup> Street, by installing, using and maintaining one or more electric power lines and conduits.

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 1865 W 22ND ST., LLC, 24441 Detroit Rd., Suite 250, Westlake, Ohio 44145 ("Permittee"), to encroach into the public right-of-way of West 22<sup>nd</sup> Street, by installing, using and maintaining one or more electric power lines and conduits at the following location:

### **West 22<sup>nd</sup> Street Encroachment**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being within the right-of-way of West 22<sup>nd</sup> Street adjacent to a parcel of land described in a deed to 1865 W 22<sup>nd</sup> St., LLC as recorded in AFN 202306290180 of the Cuyahoga County Records, and further described as follows:

Commencing at the intersection of the southeasterly right of way of Bridge Avenue N.W. (66 feet wide) with the northeasterly right of way of West 22<sup>nd</sup> Street (66 feet wide); Thence, South 31 ° 43' 28" East, along the northeasterly right of way of West 22<sup>nd</sup> Street, a distance of 37.05 feet to the True Place of Beginning of the encroachment area herein described;

Course 1: Thence continuing South 31 ° 43' 28" East, along the northeasterly right-of-way line of said West 22<sup>nd</sup> Street, a distance of 11.71 feet to a point;

Course 2: Thence leaving said northeasterly right of way, South 89° 40' 09" West, a distance of 104.46 feet to a point;

Course 3: Thence North 00° 19' 51" West, a distance of 10.00 feet to a point;

Course 4: Thence North 89° 40' 09" East, a distance of 98.36 feet to the True Place of Beginning and containing within said bounds 0.0233 acres of land, be the same more or less, but subject to all legal highways and easements of record as surveyed by Amy M. Kelly, P.S. 8469 for Bramhall Engineering & Surveying Company in December 2021. All bearings are intended to describe angles only. The basis of bearings used is a portion of the centerline of Bridge Avenue N.W. which was assumed to be North 58° 25' 26" East.

Legal Descriptions approved by Eric B. Westfall, 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 encroachments permitted.

Section 3. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structures 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 encroachments.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment locations.

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:ew  
10-28-2024  
FOR: Director DeRosa

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REPORT  
after second Reading

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READ FIRST TIME on OCTOBER 28, 2024  
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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Published in the City Record \_\_\_\_\_

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

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

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