

Ordinance No. 227-2021

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to LSMJ V, LLC to encroach into the public rights-of-way of West St. Clair Avenue and West 6th Street by installing, using, and maintaining a canopy, ten supports and railing in front of the building at the northeast corner of West St. Clair Avenue and West 6th Street.

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 LSMJ V, LLC, 500 West St. Clair Avenue, Suite 101, Cleveland, Ohio 44113, (“Permittee”), to encroach into the public rights-of-way of West St. Clair Avenue and West 6th Street by installing, using, and maintaining a canopy, ten supports and railing in front of the building at the northeast corner of West St. Clair Avenue and West 6th Street at the following location:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of West 6th Street, 99 feet wide and part of St. Clair Avenue, 99 feet wide, said premises being more particularly bounded and described as follows:

Beginning at the intersection of the northeasterly line of the aforementioned West 6th Street and the northwesterly line of St. Clair Avenue, 99 feet wide;

Course No. 1: Thence North 34° 27’ 12” West, along the northeasterly line of aforementioned West 6th Street, a distance of 57.00 feet to a point;

Course No. 2: Thence South 55° 32’ 48” West a distance of 11.50 feet to a point;

Course No. 3: Thence South 34° 27’ 12” East a distance of 64.50 feet to a point;

Course No. 4: Thence North 55° 33’ 35” East a distance of 91.50 feet to a point;

Course No. 5: Thence North 34° 26’ 25” West a distance 7.50 feet to a point on the northwesterly line of aforementioned St. Clair Avenue;

Course No. 6: Thence South 55° 33’ 35” West, along the northwesterly line of aforementioned St. Clair Avenue, a distance of 80.01 feet to the place of beginning and containing 0.0308 acres (1342 square feet) of land, as described by Thomas Cappello, Professional Surveyor No. 7880 of Stephen Hovancsek and Associates, Inc. based on an actual field survey performed March, 2021.

[Basis of bearings for this description is Ohio State Plane, North Zone, NAD 83 and used to denote angles only.]

Legal Description approved by Eric B. Westfall, P.S., Acting 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 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 location.

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
4-5-2021
FOR: Director Spronz

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REPORT
after second Reading

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READ FIRST TIME on APRIL 5, 2021

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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