

Ordinance No. 328-2025

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to the Cleveland Public Library to encroach into the public right of-way of Superior Avenue by installing and maintaining an Ohio historical marker mounted on a 10-foot tall octagonal post with a foundation.

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 Cleveland Public Library, located at 325 Superior Avenue, East, Cleveland, Ohio 44114 (“Permittee”), to encroach into the public right-of-way of Superior Avenue by installing and maintaining an Ohio historical marker that would be mounted on a 10-foot tall octagonal post with a foundation at the following location:

Historical Marker Location Description

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: and known as being part of Original Two Acre Lot Nos. 65 and 66 and further bounded and described as follows:

Beginning at a point on the northerly right of way of Superior Avenue (132 feet wide) and the easterly right of way of East 3TM Street (99 feet wide);

Thence North 55°48’20” East along the northerly right of way of Superior Avenue, 168.00 feet to a point;

Thence South 34°11’40” East, 20.50 feet to the Principal Place of Beginning;

Course No.1 Thence North 55°48’20” East, 5.00 feet;

Course No.2 Thence South 34°11’40” East, 5.00 feet;

Course No.3 Thence South 55°48’20” West, 5.00 feet;

Course No.4 Thence North 34°11’40” West, 5.00 feet to the Principal Place of Beginning, containing 0.0006 acres (25 square feet).

Legal Description approved by Eric B. Westfall, P.S., 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 structure 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.

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.

JBW:uo
3-18-2025
FOR: Director DeRosa

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REPORT
after second Reading

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READ FIRST TIME on MARCH 18, 2025
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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COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

FILED WITH COMMITTEE

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COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY

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