

Ordinance No. 1154-2023

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to enter into a maintenance, inspection and repair agreement with and to issue a permit to The Cleveland Clinic Foundation to encroach onto, over and within the public right-of-way of East 100th Street by constructing, installing, using, and maintaining an overhead pedestrian bridge.

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 enter into a bridge maintenance, inspection, and repair agreement with, and to issue an encroachment permit revocable at the will of Council to, The Cleveland Clinic Foundation, 8911 Euclid Avenue, Cleveland, Ohio 44195 (“Permittee”), to construct, install, use, and maintain an overhead pedestrian bridge encroaching onto, over and within the public right-of-way of East 100th Street at the following described location:

OVERHEAD BRIDGE ENCROACHMENT

SITUATED IN THE CITY OF CLEVELAND, COUNTY OF CUYAHOGA AND STATE OF OHIO, BEING PORTIONS OF ORIGINAL 100 ACRE LOT NUMBERS 401 AND 409, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE EASTERLY RIGHT OF WAY OF EAST 100TH STREET, 60’ WIDE AT ITS INTERSECTION WITH THE NORTHERLY RIGHT OF WAY OF CEDAR AVENUE, 66 FEET WIDE, MONUMENTED WITH A 5/8” REBAR SET WITH YELLOW CAP STAMPED R.E. WARNER 8752; THENCE N 01° 00’ 50” W, 122.35 FEET COINCIDING WITH THE EASTERLY RIGHT OF WAY OF EAST 100TH STREET BEING THE PRINCIPAL POINT OF BEGINNING FOR THE ENCROACHMENT HEREIN DESCRIBED:

THENCE CONTINUING N 01° 00’ 50” W, 12.00 FEET COINCIDING WITH THE EASTERLY RIGHT OF WAY OF EAST 100TH STREET:

THENCE S 88° 39’ 00” W 60.00 FEET:

THENCE S 01° 00’ 50” E, 12.00 FEET COINCIDING WITH THE WESTERLY RIGHT OF WAY OF EAST 100TH STREET:

THENCE N 88° 39’ 00” E, 60.00 FEET TO THE PRINCIPAL POINT OF BEGINNING FOR THE ENCROACHMENT HEREIN DESCRIBED CONTAINING 0.0165 ACRES;

THE BASIS OF BEARINGS IS THE EAST RIGHT OF WAY OF EAST 100TH ST. (N 01° 00’ 50” W). THE ELEVATION OF THE ENCROACHMENT HEREIN DESCRIBED IS 722.00’ AT ITS LOWEST POINT AND 738.16’ AT ITS HIGHEST POINT. ELEVATION IS BASED ON GEOID G18US.

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 Permittee may assign the agreement or 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 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 3. That the Director of Law shall prepare the agreement and 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 after execution of a maintenance, inspection, and repair agreement and only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

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
10-9-2023
FOR: Director DeRosa

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**REPORT
after second Reading**

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READ FIRST TIME on OCTOBER 9, 2023
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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**PASSAGE RECOMMENDED BY
COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

