

Ordinance No. 1147-2021

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to CCA CBD Cleveland, LLC, 328 S. Jefferson Street, Suite 570, Chicago, IL 60661 to encroach into the public right-of-way of Euclid Avenue by installing and using approximately twelve (12) micropiles as necessary subsurface support for the foundation for the tower crane to be used in the construction of the City Club Apartments project at 776 Euclid Avenue, Cleveland, Ohio 44144.

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 CCA CBD Cleveland, LLC, 328 S. Jefferson Street, Suite 570, Chicago, IL 60661 (Permittee), to encroach into the public right-of-way of Euclid Avenue by installing and using approximately twelve (12) micropiles as necessary subsurface support for the foundation for the tower crane to be used in the construction of the City Club Apartments project at 776 Euclid Avenue, Cleveland, Ohio 44144, more fully described as follows:

Situated in what is now the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Two Acre Lot Nos. 105, 106, and 107, and also being known as a portion of a consolidated parcel of land for 720 Euclid Limited Liability Company as recorded in Volume 271, Page 22 of the Cuyahoga County Map Records, of being more fully bounded and described as follows:

Beginning at the centerline intersection of Euclid Avenue, 99 feet wide, and East 4th Street, 40 feet wide, being referenced by a 1" iron pin found in a monument box assembly, thence North 79°10'06" East along the centerline of said Euclid Avenue, a distance of 820.72 feet to a point at the centerline intersection of East 8th Street, 16 feet wide, thence South 10°36'43" East along the centerline of said East 8th Street, a distance of 49.50 feet to a 1" iron pin found in a monument box assembly at the southerly right of way of said Euclid Avenue, thence South 79°10'06" West, a distance of 8.00 feet to the westerly right of way of said East 8TH Street being referenced by a drill hole found South 0.13 feet and West 0.15 feet thereof, thence South 79°10'06" West along the southerly right of way of said Euclid Avenue a distance of 75.42 feet to the Principal Place of Beginning for the area herein described;

Course No.1 Thence South 79°10'06" West, a distance of 21.21 feet to a point;

Course No.2 Thence North 10°49'47" West, a distance of 18.59 feet to a point;

Course No.3 Thence North 79°10'13" East, a distance of 21.21 feet to a point;

Course No.4 Thence South 10°49'47" East, a distance of 18.59 feet to the Principal Place of Beginning, said parcel containing 394 square feet or 0.009 acres of land and being

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the same more or less and being subject to all legal highways and easements. The basis of bearings of this survey is based on the Ohio State Plane Coordinate System, NAD 83 derived from GPS observations and bearings are to denote angles only.

Legal Description approved by Eric B. Westfall, P.S., Acting 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 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
12-6-2021
FOR: Interim Director Spronz

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REPORT
after second Reading

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READ FIRST TIME on DECEMBER 6, 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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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

