

Ordinance No. 758-2022

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to The Medical Center Company to encroach into the public rights-of-way beneath Adelbert Road, Murray Hill Road, and Circle Drive, by installing, using, and maintaining underground electrical service and steam power 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 The Medical Center Company, 2250 Circle Drive Cleveland, Ohio 44106-2664 ("Permittee"), to encroach into the public rights-of-way beneath Adelbert Road, Murray Hill Road, and Circle Drive, by installing, using, and maintaining underground electrical service and steam power conduits at the following described locations:

LEGAL DESCRIPTION FOR ENCROACHMENTS

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being part of Outlot 403, being further bounded and described as follows:

ENCROACHMENT 1 (Adelbert Road Encroachment - South) 716 Sq. Ft.

COMMENCING at the centerline intersection of Murray Hill Road (60') and Adelbert Road (60'); thence, North 47°06'02" West, along the centerline of said Adelbert Road, a distance of 161.19 feet to a point; thence, South 42°53'58" West, a distance of 46.37 feet to a point on the south line of said Adelbert Road, which is the TRUE PLACE OF BEGINNING for the following described encroachment;

thence, along the south line of said Adelbert Road, being a curve to the left, said curve having a radius of 273.40 feet, a delta angle of 1°40'59", a chord direction of North 35°31'21" West, a chord length of 8.03 feet, and a distance of 8.03 feet to a point;

thence, North 25°07'45" East, a distance of 49.93 feet to a point;

thence, North 47°48'46" West, a distance of 33.65 feet to point;

thence, North 42°11'14" East, a distance of 7.00 feet to a point;

thence, South 47°48'46" East, a distance of 26.84 feet to a point;

thence, North 42°11'14" East, a distance of 20.29 feet to a point on the north line of said Adelbert Road;

thence, South 47°06'02" East, along the north line of said Adelbert Road, a distance of 4.00 feet to a point;

thence, South 42°11'14" West, a distance of 20.24 feet to a point;

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thence, South 47°48'46" East, a distance of 7.98 feet to a point;

thence, South 25°07'45" West, a distance of 48.69 feet to the TRUE PLACE OF BEGINNING, containing 716 Square Feet of land, more or less.

ENCROACHMENT 2 (Adelbert Road Encroachment – North) 276 Sq. Ft.

COMMENCING at a monument found at the centerline intersection of Circle Drive (60') and Adelbert Road (60'); thence, South 7°21'07" East, along the centerline of said Adelbert Road, a distance of 78.94 feet to monument found at a point of curvature in said centerline; thence, along the centerline of said Adelbert Road, being a curve to the left, said curve having a radius of 150.00 feet, a delta angle of 26°45'20", a chord direction of South 20°43'47" East, a chord length of 69.41 feet, and a distance of 70.05 feet to a point; thence, North 55°53'33" East, a distance of 35.00 feet to a point on the east line of said Adelbert Road, which is the TRUE PLACE OF BEGINNING for the following described encroachment;

thence, along the east line of said Adelbert Road, being a curve to the left, said curve having a radius of 115.00 feet, a delta angle of 2°01'37", a chord direction of South 35°07'16" East, a chord length of 4.07 feet, and a distance of 4.07 feet to a point;

thence, South 12°23'43" West, a distance of 34.35 feet to point of curvature;

thence, along the arc of a curve to the left, said curve having a radius of 10.00 feet, a delta angle of 58°29'23", a chord direction of South 16°50'58" East, a chord length of 9.77 feet, and a distance of 10.21 feet to a point of tangency;

thence, South 46°05'40" East, a distance of 44.11 feet to a point;

thence, South 28°03'23" West, a distance of 3.12 feet to point on the centerline of said Adelbert Road;

thence, North 46°05'40" West, along the centerline of said Adelbert Road, a distance of 44.96 feet to a point of curvature;

thence, along the arc of a curve to the right, said curve having a radius of 13.00 feet, a delta angle of 58°29'23", a chord direction of North 16°50'58" West, a chord length of 12.70 feet, and a distance of 13.27 feet to a point of tangency;

thence, North 12°23'43" East, a distance of 36.99 feet to the TRUE PLACE OF BEGINNING, containing 276 Square Feet of land, more or less.

ENCROACHMENT 3 (Murray Hill Road Encroachment) 982 Sq. Ft.

COMMENCING at the centerline intersection of Murray Hill Road (60') and Adelbert Road (60'); thence, South 35°06'28" West, along the centerline of said Murray Hill Road, a distance of 42.11 feet to the TRUE PLACE OF BEGINNING for the following described encroachment;

thence, South 88°16'36" East, a distance of 35.93 feet to a point on the east line of said Murray Hill Road;

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thence, South 35°06'28" West, along the east line of said Murray Hill Road, a distance of 8.38 feet to point;

thence, North 88°16'36" West, a distance of 31.68 feet to point;

thence, South 1°43'24" West, a distance of 13.10 feet to point;

thence, North 88°16'36" West, a distance of 14.00 feet to point;

thence, North 1°43'24" East, a distance of 13.10 feet to point;

thence, North 88°16'36" West, a distance of 65.37 feet to point on the west line of said Murray Hill Drive;

thence, along the west line of said Murray Hill Drive, being the arc of a curve to the left, said curve having a radius of 273.40 feet, a delta angle of 1°29'41", a chord direction of North 9°19'15" West, a chord length of 7.13 feet, and a distance of 7.13 feet to a point;

thence, South 88°16'36" East, a distance of 81.10 feet to the TRUE PLACE OF BEGINNING, containing 982 Square Feet of land, more or less.

ENCROACHMENT 4 (Circle Drive Encroachment) 2660 Sq. Ft.

COMMENCING at a monument found at the centerline intersection of Circle Drive (60') and Adelbert Road (60'); thence, South 7°21'07" East, along the centerline of said Adelbert Road, a distance of 39.61 feet to a point; thence, North 82°38'53" East, a distance of 44.04 feet to a point on the south line of said Circle Drive, which is the TRUE PLACE OF BEGINNING for the following described encroachment;

thence, North 0°53'50" West, a distance of 41.16 feet to a point;

thence, North 55°38'04" East, a distance of 25.31 feet to point;

thence, North 34°21'56" West, a distance of 2.42 feet to point;

thence, North 55°38'04" East, a distance of 7.00 feet to point;

thence, South 34°21'56" East, a distance of 2.42 feet to point;

thence, North 55°38'04" East, a distance of 109.09 feet to point;

thence, North 32°29'33" East, a distance of 41.26 feet to point;

thence, North 57°30'27" West, a distance of 11.00 feet to point;

thence, North 32°29'33" East, a distance of 12.00 feet to point;

thence, South 57°30'27" East, a distance of 11.00 feet to point;

thence, North 32°29'33" East, a distance of 20.34 feet to point;

thence, North 10°28'38" West, a distance of 54.92 feet to a point on the west line of said Circle Drive;

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thence, North 32°23'48" East, along the west line of said Circle Drive, a distance of 5.88 feet to point;

thence, South 10°28'38" East, a distance of 60.80 feet to a point;

thence, North 32°29'33" East, a distance of 124.98 feet to point of curvature;

thence, along the arc of a curve to the right, said curve having a radius of 15.00 feet, a delta angle of 84°28'45", a chord direction of North 74°43'56" East, a chord length of 20.17 feet, and a distance of 22.12 feet to a point of tangency;

thence, South 63°01'41" East, a distance of 14.91 feet to a point on the east line of said Circle Drive;

thence, South 32°23'48" West, along the east line of said Circle Drive, a distance of 2.88 feet to point;

thence, North 63°01'41" West, a distance of 14.60 feet to a point of curvature;

thence, along the arc of a curve to the left, said curve having a radius of 12.00 feet, a delta angle of 84°28'45", a chord direction of South 74°43'56" West, a chord length of 16.13 feet, and a distance of 17.69 feet to a point of tangency;

thence, South 32°30'05" West, a distance of 200.35 feet to point;

thence, South 55°38'04" West, a distance of 117.76 feet to point;

thence, South 34°44'51" East, a distance of 5.55 feet to point;

thence, South 55°15'09" West, a distance of 9.00 feet to point;

thence, North 34°44'51" West, a distance of 5.61 feet to point;

thence, South 55°38'04" West, a distance of 12.31 feet to point;

thence, South 0°53'50" East, a distance of 29.76 feet to point on the south line of said Circle Drive;

thence, along the arc of a curve to the left, said curve having a radius of 37.00 feet, a delta angle of 16°05'41", a chord direction of South 41°36'44" West, a chord length of 10.36 feet, and a distance of 10.39 feet to the TRUE PLACE OF BEGINNING, containing 2660 Square Feet of land, more or less, as determined by Joseph A. Burgoon, Registered Surveyor No. 8325 in July 2022, for and on behalf of Lewis Land Professionals, Inc.

The BASIS OF BEARING for this description is Grid North of the NAD83 (2011), Ohio State Plane Coordinate System, North Zone, as established by GPS observations.

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Section 2. 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 approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

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Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued 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
8-10-2022
FOR: Director DeRosa

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REPORT
after second Reading

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

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READ FIRST TIME on AUGUST 10, 2022
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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