

Ordinance No. 1245-2024 AS AMENDED

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue one or more permits to the Cuyahoga County Department of Public Works to encroach into the public rights-of-way of East 156th Street and Shore Acres Drive installing, using and maintaining a 10'-wide asphalt multi-purpose trail.

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 one or more permits, revocable at the will of Council, to the Cuyahoga County Department of Public Works located at 2079 East 9th Street, Cleveland, Ohio 44115 ("Permittee") to encroach into the public rights-of-way of East 156th Street and Shore Acres Drive by installing, using and maintaining a 10'-wide asphalt multi-purpose trail at the following locations:

Encroachment Description (East 156th Street)

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being part of Original Euclid Township Tract No. 16 and further bounded and described as follows:

The Point of Beginning at the intersection of the Easterly sideline of East 156th St. (50' Right of Way) with the Northerly sideline of Lakeshore Blvd. (80' Right of Way), thence North 01°14'41" West along the easterly sideline of East 156th St., a distance of 714.06 feet to a point being the Principal Point of Beginning of the Permanent Easement Area herein intended to be described;

Beginning at the intersection of the southerly right of way line of Hough Avenue N.E., 60 feet wide, and the centerline of East 59th Street, 49 feet wide at a monument box assembly, being referenced by a drill hole in stone found north 0.05 feet thereof, thence South 01° 12'00" East along the centerline of said East 59th Street, a distance of 554.73 feet to a drill hole found in a monument box assembly, thence North 88° 57'07" East, a distance of 24.50 feet to a point on the easterly right of way line of said East 59th Street and the southerly right of way line of Curtis Ave., 66 feet wide, thence North 88° 57'07" East along the southerly right of way line of said Curtis Ave, distance of 454.16 feet to a point, thence North 00° 57' 49" West a distance of 31.88 feet to a point, thence North 89° 02'11" East a distance of 115.00 feet to a point, also being the Principal Place of Beginning for the land herein described;

Course 1: Thence bearing South 89°42'12" West a distance of 5.84 feet to a point;

Course 2: Thence bearing South 01°16'32" East a distance of 63.09 feet to a point;

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Course 3: Thence bearing South 89°40'15" West a distance of 44.20 feet to a point;

Course 4: Thence bearing North 01°14'41" West a distance of 263.38 feet to the point on the Natural Shoreline of Lake Erie;

Course 5: Thence along the Natural Shoreline of Lake Erie bearing North 34°43'29" East a distance of 41.05 feet to a point;

Course 6: Thence along the Natural Shoreline of Lake Erie bearing North 50°46'22" East a distance of 32.85 feet to a point on the easterly sideline of East 156th St.;

Course 7: Thence along said easterly sideline bearing South 01°14'41" East a distance of 254.53 feet to the Principal Point of Beginning, and containing 0.3293 acres (14,344 sq. ft.), be the same more or less;

Legal Description approved by Eric B. Westfall, P.S., Section Chief, Plats, Surveys and House Numbering Section.

Encroachment Description (Shore Acres Drive)

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being part of Original Euclid Township Tract No. 16 and further bounded and described as follows:

The Principal Point of Beginning being at the intersection of Lakeshore Blvd. (80' Right of Way) northerly right of way sideline with the intersection of the easterly right of way sideline of Shore Acres Drive (60' Right of Way);

Course 1: Thence along the northerly right of way sideline of Lakeshore Blvd. along a curve to the RIGHT, having a radius of 210.00 feet, a delta angle of 2°00'01", and whose long chord bears South 35°02'17" West a distance of 7.33 feet to a point on the northerly right of way of Lakeshore Blvd;

Course 2: Thence bearing South 53°03'00" East a distance of 6.69 feet to a point;

Course 3: Thence bearing South 37°16'48" West a distance of 34.50 feet to a point;

Course 4: Thence bearing South 74°16'36" West a distance of 12.17 feet to a point;

Course 5: Thence along a curve to the LEFT, having a radius of 12.00 feet, a delta angle of 74°16'36", and whose long chord bears South 37°08'18" West a distance of 14.49 feet to a point;

Course 6: Thence bearing South 00°00'00" East a distance of 4.19 feet to a point;

Course 7: Thence bearing South 87°26'25" West a distance of 6.16 feet to a point on The westerly right of way sideline of Shore Acres Drive;

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Course 8: Thence along the westerly right of way sideline of Shore Acres Drive bearing North 02°38'17" West a distance of 124.53 feet to a point on the westerly right of way sideline of Shore Acres Drive;

Course 9: Thence along the right of way of Shore Acres Drive along a curve to the LEFT, having a radius of 20.00 feet, a delta angle of 133°40'35", and whose long chord bears North 69°30'32" West a distance of 36.78 feet to a point on the southerly right of way sideline of Shore Acres Drive;

Course 10: Thence along the southerly right of way sideline of Shore Acres Drive Bearing South 43°39'11" West a distance of 1.48 feet to a point on the southerly right of way sideline of Shore Acres Drive;

Course 11: Thence bearing North 45°59'04" West a distance of 60.00 feet to a point on The northerly right of way sideline of Shore Acres Drive;

Course 12: Thence along on the northerly right of way sideline of Shore Acres Drive bearing North 43°39'11" East a distance of 160.45 feet to a point on the northerly right of way sideline of Shore Acres Drive and at the southeasterly corner of land conveyed to Roy D. Bundy Etal. By deed Book Volume 2380 Page 440;

Course 9 "Course 13": Thence along the easterly right of way sideline of Shore Acres Drive bearing South 02°40'14" East a distance of 249.51 feet to the Principal Place of Beginning and containing **0.3546 acres (15,445 sq. ft.)** be the same more or less;

Legal Description approved by Eric B. Westfall, P.S., Section Chief, Plats, Surveys and House Numbering Section.

Section 2. That the Director of Law shall prepare the permit(s) 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(s) 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(s) 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

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obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 4. That the permit(s) 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
11-18-2024
FOR: Director DeRosa

