

Ordinance No. 329-2025

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Nautica Entertainment, LLC to encroach into the public right-of-way of Elm Street by installing, using and maintaining a new egress stairway and entry canopy.

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 Nautica Entertainment, LLC, 1231 Main Avenue, Cleveland, Ohio 44113 (“Permittee”), to encroach into the public right-of-way of Elm Street by installing, using and maintaining a new egress stairway and entry canopy at the following locations:

Canopy Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lot Nos. 51 and 70 as shown on the plat recorded in Volume 3, Page 51 of Cuyahoga County Plat Records and being entirely in Elm Street N.W. and described as follows:

Beginning at a drill hole in a stone found in a monument box found at the centerlines of Main Avenue N.W., 80.00 feet wide, and Elm Street N.W., 66.00 feet wide; thence North 71°40'56" West along said centerline of Elm Street N.W., 200.25 feet; thence South 18°21'38" West, 33.00 feet to a drill hole set in the south line of said Elm Street N.W.; thence North 71°40'56" West along said south line of Elm Street N.W., 12.16 feet to the Principal Place of Beginning;

Course 1: Thence North 71°40'56" West along said south line of Elm Street N.W., 9.33 feet;

Course 2: Thence North 18°19'04" East, 4.83 feet;

Course 3: Thence South 71°40'56" East, 9.33 feet

Course 4: Thence South 18°19'04" West, 4.83 feet to the Principal Place of Beginning and containing 45.11 Square Feet of land.

Stairway Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lot Nos. 51 and 70 as shown on the plat recorded in Volume 3, Page 51 of Cuyahoga County Plat Records and being entirely in Elm Street N.W. and described as follows:

Beginning at a drill hole in a stone found in a monument box found at the centerlines of Main Avenue N.W., 80.00 feet wide, and Elm Street N.W., 66.00 feet wide; thence North 71°40'56" West along said centerline of Elm Street N.W., 200.25 feet; thence South 18°21'38" West, 33.00 feet to a

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drill hole set in the south line of said Elm Street N.W.; thence North 71°40'56" West along said south line of Elm Street N.W., 69.02 feet to the Principal Place of Beginning;

Course 1: Thence North 71°40'56" West along said south line of Elm Street N.W., 14.75 feet;

Course 2: Thence North 18°19'04" East, 6.83 feet;

Course 3: Thence South 71°40'56" East, 14.75 feet

Course 4: Thence South 18°19'04" West, 6.83 feet to the Principal Place of Beginning and containing 100.79 Square Feet of land.

Legal Descriptions approved by Eric B. Westfall, 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 encroachments permitted.

Section 3. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structures 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 encroachments.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment locations.

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
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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PASSAGE RECOMMENDED BY
COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

