

Ordinance No. 149-2022

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to 3004 St. Clair, LLC to encroach into the public right-of-way of Kenilworth Avenue by installing, using, and maintaining a concrete step and stoop, awning and planter.

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 3004 St. Clair, LLC, 8777 Rockside Road, Cleveland, Ohio 44125 (“Permittee”), to encroach into the public right-of-way of Kenilworth Avenue by installing, using, and maintaining a concrete step and stoop, awning and planter at the following location:

Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of the right of way of Kenilworth Avenue, 100 feet in width and adjacent to Sublot 9 as shown on the Ziemer Allotment, recorded in Plat Volume 4, Page 37 of the Cuyahoga County Recorder’s Records and is bounded and described as follows:

Beginning at the intersection of the northerly right of way line of Kenilworth Avenue and the easterly right of way line of Scranton Road, 60 feet in width, said point also being the southwesterly corner of Sublot 9; thence North 88°59, 16” East, along the northerly right of way line of Kenilworth Avenue and the southerly line of Sublot 9, 1.98 feet to the PRINCIPAL PLACE OF BEGINNING of the area herein to be described;

Thence North 88°59’16” East, continuing along the northerly right of way line of Kenilworth Avenue and the southerly line of Sublot 9, 11.67 feet to a point thereon;

Thence South 00°59’16” West, 5.40 feet to a point;

Thence South 88°59’16” West, 11.67 feet to a point;

Thence North 00°39’42” West 5.40 feet to the Principal Place of Beginning, containing 62 square feet or 0.0014 acres of land more or less according to a survey by Guy P. Haney, P.S. No. S-7631, for Davey Resource Group in December of 2021. Subject to all highways, easements and covenants of legal record.

Bearings are based on Ohio State Plane Coordinate System, North Zone, NAD 1983, ground

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 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
2-7-2022
FOR: Interim Director DeRosa

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REPORT
after second Reading

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READ FIRST TIME on FEBRUARY 7, 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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Published in the City Record _____

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COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

