

Ordinance No. 574-2022

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to enter into a maintenance, inspection and repair agreement with and to issue a permit to Sherwin-Williams to encroach onto, over and within the public right-of-way of West 3rd Street by constructing, installing, using, and maintaining an overhead pedestrian bridge.

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 enter into a maintenance, inspection, and repair agreement with, and to issue an encroachment permit, revocable at the will of Council, to Sherwin-Williams Company, 101 West Prospect Avenue, Cleveland, Ohio 44115, (“Permittee”), to construct, install, use, and maintain an overhead pedestrian bridge encroaching onto, over and within the right-of-way of West 3rd Street at the following described location:

ENCROACHMENT

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being within the right of way of West 3rd Street (99 feet wide) and further known as being all that portion of the following described easement lying above a horizontal plane of 673.00 and below a horizontal plane of 692.00. NAVD 88.

Commencing at a drill hole in a stone in a monument box at the intersection of the centerline of Superior Avenue (132 feet wide) and the centerline of West 3rd Street (99 feet wide), thence North 34°33’02” West along the said centerline of West 3rd Street, a distance of 66.00 feet to a point thereon, thence North 55°26’58” East, a distance of 49.50 feet to a point on the northeasterly line of West 3rd Street, thence North 34°33’02” West along the said northeasterly line of West 3rd Street, a distance of 134.84 feet to the Place of Beginning of the easement herein described;

Course No. 1: thence North 34°33’02” West continuing along the said northeasterly line of West 3rd Street, a distance of 15.33 feet to a point thereon;

Course No. 2: thence South 55°26’58” West, a distance of 99.00 feet to a point on the southwesterly line of West 3rd Street;

Course No. 3: thence South 34°33’02” East, along the said southwesterly line of West 3rd Street, a distance of 15.33 feet to a point thereon;

Course No. 4: thence North 55°26’58” East, a distance of 99.00 feet to the place of beginning of the easement herein described containing 0.0348 acre of land according to a survey by Atwell, LLC under the supervision of Alex E. Marks PS 8616 and being the same more or less and being subject to all legal highways and easements.

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

Ordinance No. 574-2022

Section 2. That Permittee may assign the agreement or 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 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 3. That the Director of Law shall prepare the agreement and 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 after execution of a maintenance, inspection, and repair agreement and 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
6-6-2022
FOR: Director DeRosa

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REPORT
after second Reading

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READ FIRST TIME on JUNE 6, 2022

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

Recorded Vol. **109** Page _____

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

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