

Ordinance No. 768-2026

By Council Members Slife, Bishop and
Santana
(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 the Cleveland Clinic Foundation to encroach onto, over and within the public right-of-way of Lorain Avenue 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 bridge maintenance, inspection, and repair agreement with, and to issue an encroachment permit, revocable at the will of Council, to the Cleveland Clinic Foundation, c/o Peter Volas, Senior Director of Real Estate, 9500 Euclid Avenue, Cleveland, Ohio 44195 (“Permittee”), to construct, install, use, and maintain an overhead pedestrian bridge encroaching into the public right-of-way above Lorain Avenue at the following described location:

OVERHEAD BRIDGE ENCROACHMENT

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, being part of Range 14, Township 7 of the Connecticut Western Reserve Survey, part of Original Rockport Township Section 13, part of Lorain Avenue, State Route 10 (Variable Width), and part of a parcel of land now or formerly owned by the City of Cleveland as recorded in Deed Volume 5630, Page 120 of Cuyahoga County Deed Records being an aerial easement for bridge purposes and being more completely described as follows:

Commencing at the intersection of the centerline of said Lorain Avenue, with the centerline of Riveredge Road, (60 feet wide), and the centerline of Vacated Groveland Avenue (60 feet wide), as vacated in City Ordinance No. 1906-99, dated 12/15/1999, witnessed by a 5/8-inch rebar in a monument box found 0.38 feet north; thence along the centerline of said Lorain Avenue North 63° 42’ 30” West, 733.27 feet to the TRUE POINT OF BEGINNING for the encroachment herein described:

Course No. 1: thence South 26° 16' 51" West, 30.00 feet to the southerly right-of-way of said Lorain Avenue;

Course No. 2: thence North 63° 42' 30" West, along the southerly right-of-way of said Lorain Avenue, 20.00 feet;

Course No. 3: thence North 26° 16' 51" East, 70.00 feet to the northerly right-of-way of said Lorain Avenue;

Course No. 4: thence South 63° 42' 30" East, along the northerly right-of-way of said Lorain Avenue, 20.00 feet;

Course No 5: thence South 26° 16' 51" West, 40.00 feet to the TRUE POINT OF BEGINNING, and containing *0.0321 acres (1400.00 square feet)*, more or

less, but subject to all highways, easements and covenants of legal record as written by Kyle R. Danals, Registered Professional Surveyor No. 8704.

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Bearings are based on the centerline of said Lorain Avenue, observed as North 63° 42' 30" East between monuments found, per the Ohio State Plane Coordinate System, North Zone (3401), NAD83 (2011), 2010.0 Epoch, as derived from GNSS Observations per the O.D.O.T. Real-Time Network.

The bottom plane of the vertical space contained within said encroachment shall be 758.00 feet. The top plane of the vertical space contained within said encroachment shall be 776.00 feet. Elevations are referenced to the North American Vertical Datum of 1988 (NAVD88), derived via GEOID18 from GNSS Observations per the O.D.O.T. Real-Time Network.

Legal Description 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. That 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 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 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.

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

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:uo
7-15-2026

FOR: Director DeRosa

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READ FIRST TIME on JULY 15, 2026 **REPORTS**
and referred to DIRECTORS of Capital Projects, City Planning Commission, Finance and 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

REPORT
after second Reading

	PASSAGE RECOMMENDED BY COMMITTEE ON MUNICIPAL SERVICES AND PROPERTIES
FILED WITH COMMITTEE	

	PASSAGE RECOMMENDED BY COMMITTEE ON DEVELOPMENT, PLANNING AND SUSTAINABILITY
FILED WITH COMMITTEE	