

Ordinance No. 810-2025

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue one or more permits to Greater Cleveland Regional Transit Authority to encroach into the public right-of-way of East 79th Street.

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 Greater Cleveland Regional Transit Authority, 1240 West 6th Street, Cleveland, Ohio 44113 (“Permittee”), to encroach into the public right-of-way of East 79th Street by installing, using and maintaining pedestrian barriers, bollards, an overhead canopy and utility trenches to connect existing storm, water and electrical lines at the following location:

Encroachment Legal Description

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being a part of East 79th Street and Lot Nos. 2, 3, 4, 5 and 6 as shown by the Dedication of part of East 79th St. Plat recorded in Volume 61, Page 5 of Cuyahoga County Map Records;

COMMENCING at the intersection of the northerly line of Hillside Road S.E., 40.00 feet wide, and the westerly line of said East 79th Street, 60.00 feet wide, thence North 07° 58'49" West along said westerly line of East 79th Street, 182.74 feet to the Principal Place of Beginning of the encroachment herein intended to be described;

Course No.1: Thence continuing North 07° 58'49" West along said westerly line of East 79th Street, 183.50 feet;

Course No.2: Thence North 82° 01'11" East, 60.00 feet to a point in the easterly line of said East 79th Street;

Course No.3: Thence South 07° 58'49" East along said easterly line of East 79th Street 183.50 feet;

Course No.4: Thence South 82° 01'11" West, 60.00 feet to the Principal Place of Beginning and containing 11,012.27 square feet (0.25280 acres).

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

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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 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.

JMA:uo
7-9-2025
FOR: Director DeRosa

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READ FIRST TIME on JULY 9, 2025 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

REPORT
after second Reading

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY