

Ordinance No. 713-2024

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to TREO DEVELOPMENT LLC to encroach into the public right-of-ways of Moltke Court and West 25th Street by using and maintaining pre-existing walls, stairs and a building overhang.

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 TREO DEVELOPMENT LLC, 2211 N. Elston Ave., Suite 306, Chicago, IL 60614 (“Permittee”) to encroach into the public right-of-ways of Moltke Court and West 25th Street by using and maintaining pre-existing walls, stairs and a building overhang at the following location:

2461 West 25th Street

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, being part of Original Brooklyn Township Lot 69, further known as an area for encroachments into the right of ways of West 25th Street and Moltke Court as shown by the dedication plat recorded as AFN 202311300646 of Cuyahoga County Records;

Beginning at the intersection of the centerline of West 25th Street (formerly Pearl Street, 66 feet wide) with the centerline of Moltke Court (width varies); Thence North 20°53'02" West, along the centerline of West 25th Street, 23.68 feet; Thence North 69°06'58" East, 31.37 feet to the Principal Place of Beginning of the following described parcel:

Course 1: Thence continuing North 69°06'58" East, 1.63 feet to the easterly right of way of West 25th Street;

Course 2: Thence South 20°53'02" East, along the easterly right of way of West 25th Street, 4.14 feet to a point of curvature at the turnout from the easterly right of way of West 25th Street, to the northerly right of way of Moltke Court;

Course 3: Thence 6.50 feet along the arc of a curve in said turnout, deflecting to the left and having a radius of 5.00 feet, a delta of 74°28'46", and chord bearing South 50°07'25" East 6.05 feet to a point of tangency in the northerly right of way of Moltke Court;

Course 4: Thence North 84°38'12" East, along the northerly right of way of Moltke Court, 21.68 feet;

Course 5: Thence South 05°21'48" East, 7.91 feet;

Course 6: Thence South 84°38'12" West, parallel to the northerly right of Way of Moltke Court, 15.17 feet to a point of curvature;

Course 7: Thence 16.78 feet along the arc of a curve deflecting to the Rand having a radius of 12.91 feet, a delta of 74°28'46", and chord bearing North 58°07'25" West 15.63 feet to a point of tangency;

Course 8: Thence North 20°53'02" West, parallel to the centerline of West

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25th Street, 5.88 feet to the Principal Place of Beginning and containing 0.0047 acres of land (203.31 square feet) as calculated and described in February 2024 by Michael P. Spellacy, P.S. 8169 of Polaris Engineering and Surveying, and subject to all legal highways and easements of record. The intent of this instrument is to describe an area for encroachments within the dedicated public right of ways of parts of West 25th Street and Moltke Court.

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’s 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:ew
7-10-2024
FOR: Director DeRosa

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READ FIRST TIME on JULY 10, 2024 **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

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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