

Ordinance No. 213-2022

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to The Goat My Place, LLC to encroach into the public right-of-way of West 25th Street by installing, using and maintaining two metal canopies supported by four metal columns as well as metal railings with wood caps.

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 The Goat My Place, LLC, 3102 Vail Street, Cleveland, Ohio 44113 (“Permittee”), to encroach into the public right-of-way of West 25th Street by installing, using and maintaining two metal canopies supported by four metal columns as well as metal railings with wood caps at the following location:

Encroachment Description

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Original Brooklyn Township Lot 70, also known as being part of West 25th Street (82.5 feet wide), further bounded and described as follows;

Beginning at the centerline intersection of West 25th Street, 82.5 feet wide, and Carroll Avenue, 50 feet wide:

Thence North 31° 35’ 22” West along said centerline of West 25th Street, a distance of 105.11 feet to a point:

Thence South 58° 12’ 45” West, a distance of 41.25 feet to a point at the southeasterly corner of a parcel of land conveyed to The Goat My Place LLC. (PPN 003-38-072) by AFN #201906030453, also being the westerly Right-of-Way of said West 25th Street, and the Principal Place of Beginning of the sidewalk encroachment herein intended to be described;

COURSE I Thence North 31° 35’ 22” West, along said westerly Right-of-Way of West 25th Street also being the easterly line of said parcel of land conveyed to The Goat My Place LLC., a distance of 91.50 feet to a point at the northeasterly corner thereof;

COURSE II Thence North 58° 12’ 45” East a distance of 5.50 feet to a point;

COURSE III Thence South 31° 35’ 22” East a distance of 91.50 feet to a point;

COURSE IV Thence South 58° 12’ 45” West a distance of 5.50 feet to the Principal Place of Beginning and containing 503 square feet (0.0115 acres) of land as calculated and described from record information on November 3, 2021 by Rudy E. Schwartz, P.S. 7193 be the same more or less but subject to all legal highways and easements of record. Bearings used herein refer to an assumed meridian and are intended to indicate angles only.

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
2-28-2022
FOR: Interim Director DeRosa

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REPORT
after second Reading

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READ FIRST TIME on FEBRUARY 28, 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

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COMMITTEE ON
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AND PROPERTIES

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DEVELOPMENT, PLANNING AND
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