

Ordinance No. 757-2022

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 Sherwin-Williams Company to encroach into the public right-of-way of West 3rd Street by installing a retaining wall with tieback anchors for a Temporary Earth Retention System (TERS) for the construction of the Sherwin Williams Headquarters parking garage.

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 Sherwin-Williams Company, 101 West Prospect Avenue, Cleveland, Ohio 44115, ("Permittee"), to encroach into the public right-of-way of West 3rd Street by installing a retaining wall with tieback anchors for a Temporary Earth Retention System (TERS) for the construction of the Sherwin Williams Headquarters parking garage more fully described as follows:

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).

Commencing at a 1 inch iron pin in a monument box at the intersection of the centerline of West St. Clair Avenue (99 feet wide) and the centerline of West 3rd Street (99 feet wide), thence South 34°33'02" East along the said centerline of West 3rd Street, a distance of 132.28 feet to a point thereon and the Place of Beginning of the encroachment herein described;

Course No. 1: thence North 55°26'58" East, a distance of 10.67 feet to a point;

Course No. 2: thence South 34°33'02" East, a distance of 229.81 feet to a point;

Course No. 3: thence South 55°27'14" West, a distance of 60.17 feet to a point on the southwesterly line of West 3rd Street;

Course No. 4: thence North 34°33'02" West along the said southwesterly line of West 3rd Street, a distance of 229.81 feet to a point thereon;

Course No. 5: thence North 55°26'58" East, a distance of 49.50 feet to the place of beginning of the encroachment herein described containing 0.3174 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., 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

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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
8-10-2022
FOR: Director DeRosa

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REPORT
after second Reading

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READ FIRST TIME on AUGUST 10, 2022
and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

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COMMITTEE ON
**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

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