

Ordinance No. 1276-2022

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Il Venetian, LLC to encroach into the public right-of-way of St. Clair Avenue by installing, using and maintaining a new trellis structure with retractable canopy awning.

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 Il Venetian, LLC, 100 St. Clair Avenue, Cleveland, Ohio 44114, (“Permittee”), to encroach into the public right-of-way of St. Clair Avenue by installing, using and maintaining a new trellis structure with retractable canopy awning at the following location:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of the Original Two Acre Lots Nos. 61 and 62 and further bounded and described:

Beginning at the intersection of the easterly right of way of Ontario Street (99 feet wide) and the southerly right of way of St. Clair Avenue N.E. (formerly St. Clair Street) (99 feet wide), referenced by a p.k. nail found North 87° 39’ 20” West, 1.80 feet;

Thence North 55° 54’ 24” East along the southerly right of way of St. Clair Avenue N.E., 125.26 feet to the Principal Place of Beginning of encroachment herein described;

Thence North 34° 05’ 36” West, 8.58 feet to a point;

Thence North 55° 54’ 24” East, 46.50 feet to a point;

Thence South 34° 05’ 36” East, 8.58 feet to the southerly right of way of said St. Clair Avenue N.E.;

Thence South 55° 54’ 24” West along the southerly right of way of St. Clair Avenue N.E., 46.50 feet to the Principal Place of Beginning, containing 399 square feet of land as described by Peter John Gauriloff, P.S. No. 8646 of the Riverstone Company in November 2022 and subject to all legal highways, easements, reservations and restrictions of record.

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 issued only when, in the opinion of the Director of Law, the prospective Permittee has

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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 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 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:nl
12-5-2022
FOR: Director DeRosa

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REPORT
after second Reading

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READ FIRST TIME on DECEMBER 5, 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
MUNICIPAL SERVICES
AND PROPERTIES

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DEVELOPMENT, PLANNING AND
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