C OF C 125-174

Ordinance No. 73-2024

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

AN EMERGENCY ORDINANCE
Authorizing the Director of Capital Projects to issue a permit to 4116 Lorain, LLC to encroach into the public right-of-way above Lorain Avenue by installing, using and maintaining a new entry canopy.

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 4116 Lorain, LLC, 8777 Rockside Road, Cleveland, Ohio 44125 ("Permittee"), to encroach into the public right-of-way above Lorain Avenue by installing, using and maintaining an entry canopy at the following location:

4116 Lorain Avenue

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lot No. 52, further known as being part of the right of way of Lorain Avenue, S.R. 10, 66 feet in width and adjacent to the westerly half of Sublot No. 2 in Sargent and Dixon's Re-Subdivision of part of Barber and Lord's Subdivision of part of Original Brooklyn Township Lot Nos. 51, 52, 69, 70, recorded in Plat Volume 3, Page 2 of the Cuyahoga County Recorder's Records, also known as the parcel of land conveyed to 4116 Lorain LLC by deed dated August 22, 2022 and recorded in A.F.N. 202208220389 of the Cuyahoga County Recorder's Records and is bounded and described as follows:

Beginning at the southwesterly corner of Sublot No. 2 and is the PRINCIPAL PLACE OF BEGINNING of the premises herein to be described;

Course 1: thence North 64°01'54" East, with the southeasterly line of Sublot No. 2 and the northwesterly right of way line of Lorain Avenue, 19.84 feet to a point thereon;

Course 2: thence South 25°58'06" East, 5.00 feet to a point;

Course 2: thence South 64°01'54" West, with the northwesterly right of way line of Lorain Avenue, 19.84 feet to a point;

Course 3: thence North 25°58'06" West, 5.00 feet to the Principal Place of Beginning, containing 99 square feet or 0.0023 acres of land, more or less, according to a survey by Daniel P. Engle, P.S. No. S-8452, for Davey Resource Group in October, 2023. Subject to all highways, easements and covenants of legal record. Bearings based on Ohio State Plane Coordinate System, North Zone, NAD 1983, ground.

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 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 structure permitted by this ordinance shall conform to plans and specifications first approved by the Manager of the City 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
1-22-2024
FOR: Director DeRosa

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READ FIRST TIME on JANUARY 22, 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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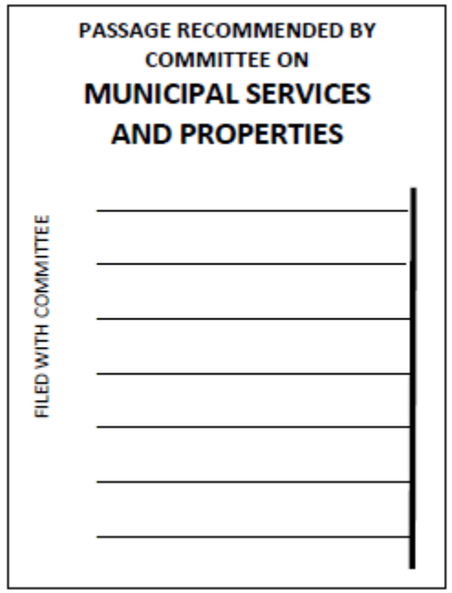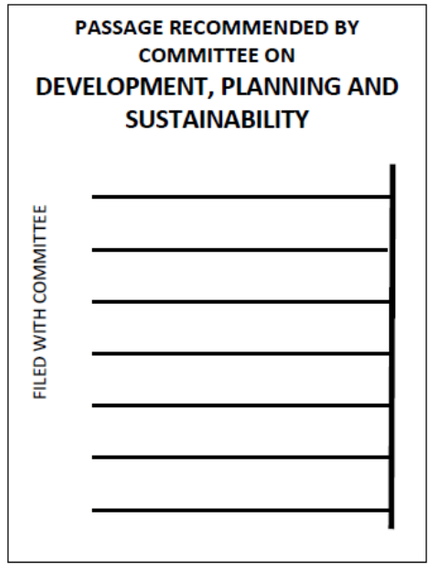
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