

Ordinance No. 814-2024

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Depot on Detroit L.P. to encroach into the public right-of-way of Detroit Avenue by installing, using and maintaining a concrete stairway.

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 Depot on Detroit L.P., 211 N. Pennsylvania Street, Suite 3000, Indianapolis, IN 46204 ("Permittee"), to encroach into the public right-of-way of Detroit Avenue by installing, using and maintaining a concrete stairway, at the following described location:

ENCROACHMENT

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Brooklyn Township Lot Nos. 9 and is further bounded and described as follows:

Beginning at a stone w/drill hole monument found at the intersection of the centerline of Berea Road N.W. (66 Feet Wide) and the centerline of Detroit Avenue N.W. (66 Feet Wide);

Thence North 71°43'00" West, along the centerline for said Detroit Avenue, a distance of 374.49 feet;

Thence North 63°00'00" East, a distance of 38.97 feet to the principal place of beginning of the land herein described;

Course 1: Thence North 71°55'00" West, a distance of 16.24 feet;

Course 2: Thence North 63°00'00" East, a distance of 7.55 feet to a point on the Northerly right of way for said Detroit Avenue;

Course 3: Thence South 71°43'00" East, along the Northerly right of way for said Detroit Avenue, a distance of 16.18 feet to the Southeasterly corner of Parcel "A" as shown in the Lot Split & Consolidation Plat for The Greater Cleveland Regional Transit Authority, as recorded in AFN of Cuyahoga County Records;

Course 4: Thence South 63°00'00" East, a distance of 7.47 feet to the principal place of beginning and containing 0.0020 Acres (86 Square Feet) of land. Be the same more or less, but subject to all legal highways and easements of record.

Legal Descriptions approved by Eric B. Westfall, 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 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
8-7-2024
FOR: Director DeRosa

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REPORT
after second Reading

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READ FIRST TIME on AUGUST 7, 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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COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

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COMMITTEE ON
**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

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