

Ordinance No. 815-2024

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Flats South Cleveland LLC to encroach into the public right-of-way of West 4th Street by installing, using and maintaining a wooden stairway and wooden ADA accessible ramp with metal guardrails and handrails.

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 Flats South Cleveland, 3311 Richmond Road, Beachwood, Ohio 44122 (“Permittee”), to encroach into the public right-of-way of West 4th Street by installing, using and maintaining a wooden stairway and wooden ADA accessible ramp with metal guardrails and handrails at the following described location:

ENCROACHMENT

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of West 4th Street being a part of Original Cleveland Township 100 Acre Lot No. 487, being more fully bounded and described as follows:

Commencing at a found 5/8” rebar along the northeasterly right of way of West 4th street, 50 feet wide, also being the westerly corner of Cuyahoga County parcel 122-18-021 now or formerly owned by Flats South Cleveland, LLC as recorded in AFN 201612200673 of the Cuyahoga County records, thence South 34°30’52” East along said West 4th street a distance of 16.15 feet to a point being the Place of Beginning for the parcel of land herein described;

Course No.1: Thence South 34°30’52” East along the northwesterly right of way of said West 3rd Street, a distance of 50.00 feet to a point,

Course No.2: Thence South 55°29’08” West, a distance of 5.00 feet to a point;

Course No.3: Thence North 34°30’52” West, a distance of 50.00 feet to a point;

Course No.4: Thence North 55°29’08” East, a distance of 5.00 feet to the Place of Beginning, said area containing 0.005 acres, 250 square feet of land being the same more or less and being subject to all legal highways and easements.

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 encroachments permitted.

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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

