

Ordinance No. 936-2024

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to the Apartment 92, The Apollo, LLC to encroach into the public right-of-ways of Riverbed Street and Superior Avenue by installing, using and maintaining a new entry canopy, an egress steel stair landing, an ADA ramp and a Viaduct connector.

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 APARTMENT 92, THE APOLLO, LLC (“Permittee”), to encroach into the public right-of-ways of Riverbed Street and Superior Avenue by installing, using and maintaining a new entry canopy, an egress steel stair landing, an ADA ramp and a Viaduct connector at the following locations:

Riverbed Street New Entry Canopy Encroachment

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being part of Vacated Riverbed Street (formerly River Street) and Sub Lot Nos. 388, 389, and an unnumbered Lot lying Northerly of Sub Lot No. 388 of Block P in the Buffalo Land Co’s Allotment of part of Original Brooklyn township Lot Nos. 51 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 51 of the Cuyahoga County Records, being bounded and described as follows;

Commencing at the Southerly line of Sycamore Street N.W., 66 feet wide, at its intersection with the Southeasterly line of Superior Avenue N.W., 80 feet wide (formerly The Viaduct), and continuing along the Southerly line of Sycamore Street N.W., North 81° 56' 09" East, 47.54 feet to a point at the present Northwesterly line of Riverbed Street N.W., said line also being the Southwesterly line of a portion of Riverbed Street N.W. vacated by the City of Cleveland Ordinance No. 644-48, passed April 26, 1948;

Thence continuing along the Northwesterly line of Riverbed Street N.W., South 03° 46' 39" West, 7.00 feet to a point, said point being TRUE POINT OF BEGINNING;

Course 1: Thence South 86° 13' 21" East, 5.00 feet to a point;

Course 2: Thence South 03° 46' 39" West, 38.50 feet to a point;

Course 3: Thence North 86° 13' 21" West, 5.00 feet to a point;

Course 4: Thence along said Northwesterly line of Riverbed Street N.W., North 03° 46' 39" East, 38.50 feet to the TRUE POINT OF BEGINNING and containing 192.5 Square Feet more or less and subject to all legal highways, easements, restrictions, and covenants of records. Bearings shown heron are based on an assumed meridian and are used to denote angles only. This description was prepared by the Mannik & Smith Group based on an actual field survey on May 17, 2024.

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Superior Avenue Viaduct Connector Encroachment

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being part of Superior Avenue N.W. (formerly the Viaduct), and Sub Lot Nos. 388, 389, and an unnumbered lot lying Northerly of Sub Lot No. 388 of Block P in the Buffalo Land Co's Allotment part of Original Brooklyn township Lot Nos. 51 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 51 of the Cuyahoga County Records being bounded and described as follows;

Commencing at the Southerly line of Sycamore Street N.W., 66 feet wide, and its intersection with the Southeasterly line of Superior Avenue N.W., 80 feet wide (formerly The Viaduct), and continuing along the Southeasterly line of Superior Avenue, N.W., 80 feet wide (formerly The Viaduct), South $17^{\circ} 59' 39''$ West, 36.99 feet, to a point in said Southeasterly line of Superior Avenue, N.W., 80 feet wide (formerly The Viaduct), said point being TRUE POINT OF BEGINNING;

Course 1: Thence continuing along the Southeasterly line of Superior Avenue, N.W., 80 feet wide (formerly The Viaduct), South $17^{\circ} 59' 39''$ West, 2.64 feet to an angle point in said Southeasterly line of Superior Avenue, N.W., 80 feet wide (formerly The Viaduct);

Course 2: Thence continuing along the Southeasterly line of Superior Avenue, N.W., 80 feet wide (formerly The Viaduct), South $09^{\circ} 59' 41''$ West, 7.38 feet to a point in said Southeasterly line of Superior Avenue, N.W., 80 feet wide (formerly The Viaduct);

Course 3: Thence North $80^{\circ} 00' 19''$ West, 6.00 feet to a point;

Course 4: Thence North $09^{\circ} 59' 41''$ East, 10.00 feet to a point;

Course 5: Thence South $80^{\circ} 00' 19''$ East, 6.37 feet to the TRUE POINT OF BEGINNING and containing 60.48 Square Feet more or less and subject to all legal highways, easements, restrictions, and covenants of records. Bearings shown heron are based on an assumed meridian and are used to denote angles only. This description was prepared by the Mannik & Smith Group based on an actual field survey on May 17, 2024.

Superior Avenue Steel Stair Landing and ADA Ramp Encroachment

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being part of Vacated Riverbed Street (formerly River Street) and Sub Lot Nos. 388, 389, and an unnumbered lot lying Northerly of Sub Lot No. 388 of Block P in the Buffalo Land Co's Allotment part of Original Brooklyn township Lot Nos. 51 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 51 of the Cuyahoga County Records being bounded and described as follows;

Commencing at the Southerly line of Sycamore Street, N.W., 66 feet wide, and its intersection with the Southeasterly line of Superior Avenue, N.W., 80 feet wide (formerly The Viaduct), and continuing along the Southeasterly line of Superior Avenue, N.W., 80 feet wide (formerly The Viaduct), South $17^{\circ} 59' 39''$ West, 39.63 feet to an angle point on the Southeasterly line of Superior Avenue, N.W., 80 feet wide (formerly The Viaduct);

Thence continuing along the Southeasterly line of Superior Avenue, N.W., 80 feet wide (formerly The Viaduct), South $09^{\circ} 59' 41''$ West, 3.00 feet to a point in said Southeasterly line of Superior Avenue, N.W., 80 feet wide (formerly The Viaduct), said point being TRUE POINT OF BEGINNING;

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Course 1: Thence continuing along the Southeasterly line of Superior Avenue, N.W., 80 feet wide (formerly The Viaduct), South $09^{\circ} 59' 41''$ West, 17.00 feet to a point in said Southeasterly line of Superior Avenue, N.W., 80 feet wide (formerly The Viaduct);

Course 2: Thence North $80^{\circ} 00' 19''$ West, 20.00 feet to a point;

Course 3: Thence North $09^{\circ} 59' 41''$ East, 17.00 feet to a point;

Course 4: Thence South $80^{\circ} 00' 19''$ East, 20 feet to the TRUE POINT OF BEGINNING and containing 340.0 Square Feet more or less and subject to all legal highways, easements, restrictions, and covenants of records. Bearings shown heron are based on an assumed meridian and are used to denote angles only. This description was prepared by the Mannik & Smith Group based on an actual field survey on May 17, 2024.

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.

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:uo
9-9-2024
FOR: Director DeRosa

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REPORT
after second Reading

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

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READ FIRST TIME on SEPTEMBER 9, 2024
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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Published in the City Record _____

PASSAGE RECOMMENDED BY
COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

FILED WITH COMMITTEE

