

Ordinance No. 1046-18

Council Members McCormack, Johnson and Brancatelli (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to enter into maintenance, inspection and repair agreement with and to issue a permit to The Board of Park Commissioners of the Cleveland Metropolitan Park District to encroach into the public rights-of-way of Salt Road and Riverbed Street by installing, using and maintaining the Wendy Park Bridge and an asphalt all-purpose trail.

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 enter into a maintenance, inspection and repair agreement with and to issue a permit, revocable at the will of Council, to The Board of Park Commissioners of the Cleveland Metropolitan Park District, 1410 Fulton Parkway, Cleveland, OH 44144 ("Permittee"), to encroach into the public rights-of-way of Salt Road and Riverbed Street by installing, using and maintaining the Wendy Park Bridge and an asphalt all-purpose trail, at the following location:

City of Cleveland
Wendy Park Bridge Encroachment Permit

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being part of Original Brooklyn Township Lot No. 51, also being known as part of Salt Road N.W. (width varies), dedicated and relocated as shown by maps recorded in Plat Volume 190, Page 59, Plat Volume 195, Page 74, and Plat Volume 198, Page 51, also being part of Riverbed Street N.W. (40 feet wide), and further described as follows:

Beginning at the northwesterly corner of said Salt Road N.W., as recorded in Plat Volume 198, Page 51;

- 1) Thence North 08° 48' 30" East, 40.00 feet along the westerly line of said Riverbed Street N.W., also being the easterly line of vacated Riverbed Street N.W. (80 feet wide) as described in City of Cleveland Ordinance No. 2735-53, to the southwesterly corner of Ontario Stone Corporation land described in Deed Volume 94-06475, Page 32;
- 2) Thence South 81° 11' 30" East, 30.65 feet along the southerly line of said Ontario Stone Corporation land;
- 3) Thence South 40° 07' 41" East, 80.29 feet;
- 4) Thence South 79° 09' 24" East, 47.45 feet;
- 5) Thence South 69° 40' 17" East, 11.31 feet to a point of curvature;
- 6) Thence southeasterly, 69.91 feet along the arc of a curve to the right, said arc having a radius of 63.00 feet, central angle of 63° 34' 57", chord bearing South 36° 48' 49" East, 66.38 feet;
- 7) Thence South 82° 40' 27" West, 4.80 feet;
- 8) Thence South 12° 50' 57" East, 9.85 feet;
- 9) Thence South 83° 44' 04" West, 11.66 feet to the westerly line of said Salt Road N.W.;
- 10) Thence northwesterly along the southerly line of said Salt Road N.W., 24.30 feet along the arc of a curve to the left, said arc having a radius of 20.00 feet, central angle 69° 36' 18", chord bearing North 73° 25' 04" West, 22.83 feet;
- 11) Thence South 71° 45' 32" West, 43.67 feet along the southeasterly line of said Salt Road N.W.;
- 12) Thence North 18° 24' 10" East, 49.85 feet along the westerly line of said Salt Road N.W.;
- 13) Thence North 71° 35' 34" West, 134.91 feet along the southwesterly line of said Salt Road N.W.;
- 14) Thence North 12° 16' 40" East, 21.80 feet along the westerly line of said Salt Road N.W. to the Point of Beginning and containing 9,349 square feet (0.2146 acres).

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This description was prepared from record information and from a field survey completed in January 2018 by Jarrod R. Schnell, PS#8623, for Cleveland Metroparks. The bearings are based on State Plane Coordinate Grid, Ohio North 1983 (2011), derived from GPS observations. References to recorded documents are those of the Cuyahoga County Recorder's Office.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

Section 2. That Permittee may assign the agreement and/or permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted under this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the agreement and 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 agreement and/or permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly protected the City against loss that may result from Permittee's acts or omissions under an agreement and/or permit or from the encroachment(s) permitted.

Section 4. That the agreement and/or permit shall reserve to the City right of entry to the encroachment location(s).

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.

JBМ:nl
8-15-18

FOR: Director Spronz

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READ FIRST TIME on AUGUST 15, 2018
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

Recorded Vol. _____ Page _____

Published in the City Record _____

REPORT
after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY

FILED WITH COMMITTEE