

# Ordinance No. 1047-18

**Council Members Conwell, Johnson and Brancatelli (by departmental request)**

## **AN EMERGENCY ORDINANCE**

Authorizing the Director of Capital Projects to issue a permit to Western Reserve Historical Society/Cleveland History Center to encroach into the public rights-of-way of East 108<sup>th</sup> Street and East Boulevard by installing, using, and maintaining lighting, underground electrical conduit and sidewalk pavers.

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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 Western Reserve Historical Society/Cleveland History Center, 10825 East Blvd., Cleveland, Ohio 44106 ("Permittee"), to encroach into the public rights-of-way of East 108<sup>th</sup> Street and East Boulevard by installing, using, and maintaining lighting, underground electrical conduit and sidewalk pavers at the following location: Northeast corner of intersection of East 108<sup>th</sup> Street and East Boulevard as shown on the map placed in File No. 1047-18-A.

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(s) 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(s) 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 encroachment(s).

Section 4. That the permit shall reserve to the City reasonable 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.

JBM:nl  
8-15-18

FOR: Director Spronz

Ord. No. 1047-18

[File No. 1047-18-A]

REPORT  
after second Reading

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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

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
MUNICIPAL SERVICES  
AND PROPERTIES

FILED WITH COMMITTEE

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COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
SUSTAINABILITY

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