

Ordinance No. 1048-18

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Case Western Reserve University to encroach into the public rights-of-way of Euclid Avenue, East 115th Street, and East 116th Street by installing, using, and maintaining fiber optic duct banks.

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 Case Western Reserve University, 10900 Euclid Avenue, Cleveland, Ohio 44106 ("Permittee"), to encroach into the public rights-of-way beneath Euclid Avenue, East 115th Street, and East 116th Street by installing, using, and maintaining fiber optic duct banks, at the following locations:

Right of Way Encroachments 1 thru 21

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of the right of way of East 101st Street, East 115th Street, East 116th Place and Euclid Avenue, also part of the lands conveyed to the City of Cleveland;

Encroachment Parts 1, 11, 12, 14, 16, 17, 18 and 20, being described by a centerline, with a width of 7.5 feet on each side of said centerline, except where the distance to the original or extended right of way of Euclid Avenue, East 101st Street, East 115th Street or East 116th Place is less than 7.5 feet away from the right of way line, in which case the right of way line shall prevail;

ENCROACHMENT 1

Commencing at the intersection of the centerline of East 123rd Street (40 feet wide) and the centerline of Euclid Avenue (80 feet wide);

Thence, along the centerline of Euclid Avenue, North 42° 54' 36" East 256.45 feet to an iron pin in a monument box found at an angle point therein;

Thence, continuing along the centerline of Euclid Avenue, North 37° 02' 22" East, 466.20 feet to a point;

Thence, leaving said centerline, North 52° 56' 51" West, 40.00 feet to the northwesterly right of way line of Euclid Avenue and the **True Point of Beginning** for a 15 foot wide easement, 7.5 feet on each side of the following described centerline;

Thence, leaving said northwesterly right of way, South 52° 56' 51" East, 5.49 feet to a point;

Thence, along the arc of a curve which deflects to the right, 11.02 feet to a point, said curve having a radius of 10.61 feet, a central angle of 59° 29' 43", and a chord of 10.53 feet which bears South 25° 00' 55" East;

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Thence South 37° 04' 17" West, 408.27 feet to a point;

Thence South 39° 28' 25" West, 76.47 feet to a point;

Thence South 42° 32' 28" West, 105.16 feet to a point;

Thence South 42° 37' 52" West, 91.64 feet to a point;

Thence South 44° 00' 30" West, 77.24 feet to a point;

Thence South 43° 02' 17" West, 88.20 feet to a point;

Thence South 45° 11' 37" West, 65.06 feet to a point;

Thence South 55° 19' 00" West, 46.69 feet to a point;

Thence South 08° 18' 17" West, 52.46 feet to a point;

Thence South 34° 51' 32" West, 30.38 feet to a point;

Thence South 43° 11' 06" West, 493.84 feet to a point;

Thence, along the arc of a curve which deflects to the right, 4.75 feet to a point, said curve having a radius of 5.00 feet, a central angle of 54° 24' 17", and a chord of 4.57 feet which bears South 70° 23' 14" West;

Thence, along the arc of a curve which deflects to the left, 33.71 feet to a point, said curve having a radius of 48.06 feet, a central angle of 40° 11' 12", and a chord of 33.02 feet which bears South 78° 41' 25" West;

Thence, along the arc of a curve which deflects to the left, 22.98 feet to a point, said curve having a radius of 224.52 feet, a central angle of 05° 51' 51", and a chord of 22.97 feet which bears South 53° 36' 08" West;

Thence South 46° 38' 39" West, 5.94 feet to a point;

Thence South 35° 13' 29" West, 26.30 feet to a point;

Thence South 43° 26' 19" West, 178.08 feet to a point;

Thence South 40° 34' 01" West, 143.75 feet to a point;

Thence South 43° 37' 52" West, 79.91 feet to a point;

Thence South 54° 09' 43" West, 11.68 feet to a point;

Thence South 45° 30' 55" West, 55.57 feet to a point;

Thence South 43° 10' 40" West, 60.69 feet to a point;

Thence South 40° 45' 07" West, 33.84 feet to a point;

Thence South 42° 52' 57" West, 75.01 feet to a point;

Thence South 43° 36' 51" West, 62.55 feet to a point;

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Thence, along the arc of a curve which deflects to the right, 6.50 feet to a point, said curve having a radius of 17.20 feet, a central angle of 21° 38' 27", and a chord of 6.46 feet which bears South 54° 26' 04" West;

Thence South 70° 59' 53" West, 47.45 feet to a point;

Thence North 83° 34' 31" West, 14.56 feet to a point;

Thence South 30° 41' 21" East, 13.72 feet to a point;

Thence South 21° 43' 53" East, 7.13 feet to a point;

Thence, along the arc of a curve which deflects to the right, 8.29 feet to a point, said curve having a radius of 21.62 feet, a central angle of 21° 57' 22", and a chord of 8.23 feet which bears South 33° 00' 08" West;

Thence South 42° 21' 55" West, 81.14 feet to a point;

Thence South 42° 49' 03" West, 574.07 feet to a point;

Thence South 43° 33' 42" West, 69.12 feet to a point;

Thence, along the arc of a curve which deflects to the right, 7.79 feet to a point, said curve having a radius of 5.08 feet, a central angle of 87° 54' 14", and a chord of 7.05 feet which bears South 87° 30' 49" West;

Thence North 45° 49' 17" West, 5.83 feet to a point;

Thence, along the arc of a curve which deflects to the right, 27.41 feet to a point, said curve having a radius of 30.68 feet, a central angle of 51° 10' 50", and a chord of 26.50 feet which bears South 03° 00' 19" West;

Thence South 31° 48' 18" West, 21.04 feet to a point;

Thence South 42° 47' 19" West, 156.29 feet to a point;

Thence South 43° 27' 17" West, 43.53 feet to a point;

Thence South 42° 26' 22" West, 28.83 feet to a point;

Thence South 45° 55' 45" West, 134.13 feet to a point;

Thence South 42° 54' 20" West, 29.17 feet to a point;

Thence South 32° 04' 05" West, 12.68 feet to a point;

Thence South 42° 54' 20" West, 211.11 feet to a point;

Thence South 42° 55' 11" West, 248.17 feet to a point;

Thence South 59° 59' 56" West, 11.38 feet to a point;

Thence South 42° 56' 35" West, 51.39 feet to a point;

Thence South 33° 47' 42" West, 33.63 feet to a point;

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Thence South 42° 55' 21" West, 227.98 feet to a point;

Thence South 46° 23' 41" West, 104.08 feet to a point;

Thence South 42° 38' 31" West, 40.33 feet to a point;

Thence South 22° 41' 00" West, 15.66 feet to a point;

Thence South 40° 40' 54" West, 78.91 feet to a point;

Thence South 44° 32' 31" West, 20.23 feet to a point;

Thence South 42° 58' 07" West, 136.69 feet to a point;

Thence South 45° 31' 31" West, 52.99 feet to a point;

Thence South 52° 17' 23" West, 25.64 feet to a point;

Thence South 44° 05' 58" West, 71.24 feet to the **termination point** in the southeasterly prolongation of the southwesterly right of way of East Boulevard (83 feet wide).

ENCROACHMENT 2

Commencing at a drill hole in a stone in a monument box found at the intersection of the centerline of Adelbert Street (60 feet wide) and the centerline of Euclid Avenue (width varies);

Thence, along the centerline of Euclid Avenue, North 42° 54' 13" East, 19.53 feet to a point;

Thence, leaving said centerline, North 47° 05' 40" West, 45.41 feet to the **True Point of Beginning** for the easement herein described;

Thence, continuing North 47° 05' 40" West, 4.59 feet to a point on the northwesterly right of way line of Euclid Avenue;

Thence, along said northwesterly right of way, North 42° 54' 13" East, 10.00 feet to a point;

Thence, leaving said northwesterly right of way, South 47° 05' 40" East, 4.20 feet to a point;

Thence South 40° 40' 54" West, 10.01 feet to the **True Point of Beginning**.

Containing within said bounds 44 square feet of land.

ENCROACHMENT 3

Commencing at a drill hole in a stone in a monument box found at the intersection of the centerline of Adelbert Street (60 feet wide) and the centerline of Euclid Avenue (width varies);

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Thence, along the centerline of Euclid Avenue, North 42° 54' 13" East, 270.56 feet to a point;

Thence, leaving said centerline, North 47° 05' 40" West, 45.51 feet to the **True Point of Beginning** for the easement herein described;

Thence North 47° 04' 39" West, 6.52 feet to a point;

Thence North 42° 55' 21" East, 10.00 feet to a point;

Thence South 47° 04' 39" East, 6.52 feet to a point;

Thence South 42° 55' 21" West, 10.00 feet to the **True Point of Beginning**.

Containing within said bounds 65 square feet of land.

ENCROACHMENT 4

Commencing at the intersection of the centerline of Ford Drive (width varies) and the centerline of Euclid Avenue (width varies), said point being South 47° 07' 12" East, 0.07 feet from an iron pin in a monument box found in the centerline of Ford Drive;

Thence, along the centerline of Ford Drive, North 47° 07' 12" West, 52.24 feet to a point;

Thence, leaving said centerline, North 42° 52' 48" East, 34.09 feet to the **True Point of Beginning** for the easement herein described;

Thence North 46° 26' 18" West, 9.35 feet to a point;

Thence North 43° 33' 42" East, 10.00 feet to a point;

Thence South 46° 26' 18" East along said line, 9.35 feet to a point;

Thence South 43° 33' 42" West, 10.00 feet to the **True Point of Beginning**.

Containing within said bounds 94 square feet of land.

ENCROACHMENT 5

Commencing at the intersection of the centerline of East 117th Street (45 feet wide) and the centerline of Euclid Avenue (width varies);

Thence, along the centerline of Euclid Avenue, South 42° 54' 36" West, 85.05 feet to a point;

Thence, leaving said centerline, North 47° 05' 24" West, 33.81 feet to the **True Point of Beginning** for the easement herein described;

Thence South 40° 34' 01" West, 8.55 feet to a point;

Thence South 43° 37' 52" West, 1.46 feet to a point;

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Thence North 47° 05' 24" West, 6.53 feet to a point on the northwesterly right of way line of Euclid Avenue;

Thence, along said northwesterly right of way, North 42° 54' 36" East, 10.00 feet to a point;

Thence, leaving said northwesterly right of way, South 47° 05' 24" East, 6.19 feet to the **True Point of Beginning**.

Containing within said bounds 64 square feet of land.

ENCROACHMENT 6

Commencing at the intersection of the centerline of East 117th Street (45 feet wide) and the centerline of Euclid Avenue (width varies);

Thence, along the centerline of Euclid Avenue, North 42° 54' 36" East, 506.42 feet to a point;

Thence, leaving said centerline, North 47° 05' 24" West, 14.21 feet to the **True Point of Beginning** for the easement herein described;

Thence, continuing North 47° 05' 24" West, 25.79 feet to a point on the northwesterly right of way line of Euclid Avenue;

Thence, along said northwesterly right of way, North 42° 54' 36" East, 10.00 feet to a point;

Thence, leaving said northwesterly right of way, South 47° 05' 24" East, 25.83 feet to a point;

Thence South 43° 11' 06" West, 10.00 feet to the **True Point of Beginning**.

Containing within said bounds 258 square feet of land.

ENCROACHMENT 7

Commencing at the intersection of the centerline of East 123rd Street (40 feet wide) and the centerline of Euclid Avenue (80 feet wide);

Thence, along the centerline of Euclid Avenue, South 42° 54' 36" West, 195.00 feet to a point;

Thence, leaving said centerline, North 47° 05' 24" West, 36.71 feet to the **True Point of Beginning** for the easement herein described;

Thence South 45° 11' 37" West, 1.02 feet to a point;

Thence South 55° 19' 00" West, 9.19 feet to a point;

Thence North 47° 05' 24" West, 1.27 feet to a point on the northwesterly right of way line of Euclid Avenue;

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Thence, along said northwesterly right of way, North 42° 54' 36" East, 10.00 feet to a point;

Thence, leaving said northwesterly right of way, South 47° 05' 24" East, 3.29 feet to the **True Point of Beginning**.

Containing within said bounds 24 square feet of land.

ENCROACHMENT 8

Commencing at the intersection of the centerline of East 123rd Street (40 feet wide) and the centerline of Euclid Avenue (80 feet wide);

Thence, along the centerline of Euclid Avenue, South 42° 54' 36" West, 58.00 feet to a point;

Thence, leaving said centerline, North 47° 05' 24" West, 34.03 feet to the **True Point of Beginning** for the easement herein described;

Thence South 43° 02' 17" West, 10.00 feet to a point;

Thence North 47° 05' 24" West, 5.95 feet to a point on the northwesterly right of way line of Euclid Avenue;

Thence, along said northwesterly right of way, North 42° 54' 36" East, 10.00 feet to a point;

Thence, leaving said northwesterly right of way line, South 47° 05' 24" East, 5.97 feet to the **True Point of Beginning**.

Containing within said bounds 60 square feet of land.

ENCROACHMENT 9

Commencing at the intersection of the centerline of East 123rd Street (40 feet wide) and the centerline of Euclid Avenue (80 feet wide);

Thence, along the centerline of Euclid Avenue, North 42° 54' 36" East, 230.55 feet to a point;

Thence, leaving said centerline, North 47° 05' 24" West, 33.67 feet to the **True Point of Beginning** for the easement herein described;

Thence, continuing North 47° 05' 24" West, 6.33 feet to a point on the northwesterly right of way line of Euclid Avenue;

Thence, along said northwesterly right of way, North 42° 54' 36" East along said line, 10.00 feet to a point;

Thence, leaving said northwesterly right of way line, South 47° 05' 24" East, 5.73 feet to a point;

Thence South 39° 28' 25" West, 10.02 feet to the **True Point of Beginning**.

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Containing within said bounds 60 square feet of land.

ENCROACHMENT 10

Commencing at the intersection of the centerline of East 123rd Street (40 feet wide) and the centerline of Euclid Avenue (80 feet wide);

Thence, along the centerline of Euclid Avenue, North 42° 54' 36" East, 256.45 feet to a point;

Thence, continuing along said centerline, North 37° 02' 22" East, 219.64 feet to a point;

Thence, leaving said centerline, North 52° 56' 51" West, 32.84 feet to the **True Point of Beginning** for the easement herein described;

Thence, continuing North 52° 56' 51" West, 7.16 feet to a point on the northwesterly right of way line of Euclid Avenue;

Thence, along said northwesterly right of way, North 37° 02' 22" East along said line, 10.00 feet to a point;

Thence, leaving said northwesterly right of way, South 52° 56' 51" East, 7.16 feet to a point;

Thence South 37° 04' 17" West, 10.00 feet to the **True Point of Beginning**.

Containing within said bounds 72 square feet of land.

ENCROACHMENT 11

Commencing at a drill hole in a stone in a monument box found at the intersection of the centerline of Adelbert Street (60 feet wide) and the centerline of Euclid Avenue (width varies);

Thence, along the centerline of Euclid Avenue, South 42° 54' 13" West, 44.01 feet to a point;

Thence, leaving said centerline, North 47° 05' 54" West, 42.43 feet to the **True Point of Beginning** for a 15 foot wide easement, 7.5 feet on each side of the following described centerline;

Thence South 44° 01' 52" West, 88.16 feet to a point;

Thence South 43° 22' 52" West, 45.38 feet to a point;

Thence South 42° 09' 45" West, 49.07 feet to a point;

Thence South 48° 36' 31" East, 105.50 feet to the **termination point** in the southeasterly right of way of Euclid Avenue;

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ENCROACHMENT 12

Commencing at the intersection of the centerline of Ford Drive (width varies) and the centerline of Euclid Avenue (width varies), said point being South 47° 07' 12" East, 0.07 feet from an iron pin in a monument box found in the centerline of Ford Road;
Thence, along the centerline of Euclid Avenue, North 42° 52' 48" East, 52.06 feet to a point;

Thence, leaving said centerline, South 47° 07' 12" East, 53.98 feet to the **True Point of Beginning** for a 15 foot wide easement, 7.5 feet on each side of the following described centerline;

Thence South 51° 32' 27" West, 112.71 feet to a point;

Thence South 42° 42' 36" West, 87.98 feet to a point;

Thence South 42° 46' 17" West, 76.05 feet to a point;

Thence South 43° 03' 02" West, 40.52 feet to a point;

Thence South 36° 25' 10" West, 12.34 feet to a point;

Thence South 41° 54' 14" West, 10.79 feet to a point;

Thence, along the arc of a curve which deflects to the left, 7.49 feet to a point, said curve having a radius of 18.76 feet, a central angle of 22° 52' 46", and a chord of 7.44 feet which bears South 25° 35' 53" West;

Thence, along the arc of a curve which deflects to the right, 10.35 feet to a point, said curve having a radius of 20.00 feet, a central angle of 29° 38 ' 45", and a chord of 10.23 feet which bears South 28° 58' 53" West;

Thence South 43° 48' 15" West, 19.55 feet to a point;

Thence South 40° 45' 48" West, 54.55 feet to a point;

Thence North 39° 18' 53" West, 85.72 feet to the **termination point**.

ENCROACHMENT 13

Commencing at a drill hole in a stone in a monument box found at the intersection of the centerline of Adelbert Street (60 feet wide) and the centerline of Euclid Avenue (width varies);

Thence, along the centerline of Euclid Avenue, South 42° 54' 13" West, 343.89 feet to a point;

Thence, leaving said centerline, North 47° 05' 54" West, 37.05 feet to the **True Point of Beginning** for the easement herein described;

Thence South 44° 05' 58" West, 113.97 feet;

Thence South 53° 19' 35" West, 28.10 feet;

Thence South 45° 41' 19" West, 39.94 feet;

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Thence South 43° 11' 39" West, 77.08 feet;

Thence South 43° 21' 11" West, 96.13 feet;

Thence South 42° 13' 02" West, 65.44 feet;

Thence South 42° 42' 11" West, 135.23 feet to the southeasterly prolongation of the easterly right of way of Stearns Road (width varies);

Thence, along said southeasterly prolongation, along the arc of a curve which deflects to the left, 3.78 feet to the northwesterly right of way of Euclid Avenue, said curve having a radius of 200.00 feet, a central angle of 01° 05' 00", and a chord of 3.78 feet which bears North 61° 27' 45" West;

Thence, along said northwesterly right of way, North 42° 54' 13" East, 557.11 feet to the southwesterly right of way of East Boulevard (83 feet wide);

Thence, along the southeasterly prolongation of the southwesterly right of way of East Boulevard, South 43° 24' 23" East, 12.98 feet to **True Point of Beginning**.

Containing within said bounds 2,923 square feet of land.

ENCROACHMENT 14

Commencing at a drill hole in a stone in a monument box found at the intersection of the centerline of Adelbert Street (60 feet wide) and the centerline of Euclid Avenue (width varies);

Thence, along the centerline of Euclid Avenue, South 42° 54' 13" West, 901.23 feet to a point;

Thence, leaving said centerline, North 47° 05' 54" West, 53.83 feet to the easterly right of way of Stearns Road (width varies) and the **True Point of Beginning** for a 15 foot wide easement, 7.5 feet on each side of the following described centerline;

Thence, leaving said easterly right of way, South 42° 42' 11" West, 30.33 feet to a point;

Thence South 45° 38' 12" West, 34.05 feet to a point;

Thence, along the arc of a curve which deflects to the right, 53.53 feet to a point, said curve having a radius of 345.52 feet, a central angle of 08° 52' 33", and a chord of 53.47 feet which bears South 51° 43' 04" West;

Thence, along the arc of a curve which deflects to the right, 197.29 feet to a point, said curve having a radius of 395.04 feet, a central angle of 28° 36' 52", and a chord of 195.25 feet which bears South 69° 25' 29" West;

Thence South 80° 33' 06" West, 109.54 feet to a point;

Thence North 89° 12' 55" West, 90.61 feet to a point;

Thence South 85° 49' 31" West, 114.28 feet to a point;

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Thence South 89° 10' 28" West, 65.45 feet to a point;

Thence South 89° 55' 46" West, 206.60 feet to a point;

Thence South 87° 08' 01" West, 333.39 feet to a point;

Thence South 86° 42' 33" West, 36.04 feet to a point;

Thence South 87° 02' 46" West, 276.08 feet to a point;

Thence South 87° 39' 43" West, 16.11 feet to a point;

Thence, along the arc of a curve which deflects to the right, 7.85 feet to a point, said curve having a radius of 5.00 feet, a central angle of 90° 00' 00", and a chord of 7.07 feet which bears North 47° 20' 17" West;

Thence North 02° 10' 53" West, 28.66 feet to the **termination point**;

ENCROACHMENT 15

Commencing at the intersection of the centerline of Euclid Avenue (width varies) and the centerline of East 116th Place (30 feet wide);

Thence, along the centerline of Euclid Avenue, South 42° 54' 36" West 114.70 feet to an angle point therein;

Thence, continuing along said centerline, South 42° 52' 48" West, 20.01 feet to a point;

Thence, leaving said centerline, South 47° 07' 12" East, 30.00 feet to the **True Point of Beginning** for the easement herein described;

Thence South 47° 07' 12" East, 10.00 feet;

Thence South 58° 03' 10" East, 6.38 feet to the southeasterly right of way of Euclid Avenue;

Thence, along said southeasterly right of way, South 23° 54' 36" West, 11.49 feet;

Thence, continuing along said southeasterly right of way, South 42° 52' 48" West, 121.02 feet;

Thence, leaving said southeasterly right of way, South 66° 51' 59" West, 35.27 feet;

Thence South 43° 34' 39" West, 38.40 feet;

Thence South 08° 16' 00" West, 21.19 feet;

Thence South 42° 46' 35" West, 30.00 feet;

Thence North 47° 13' 25" West, 15.00 feet;

Thence North 42° 46' 35" East, 25.34 feet;

Thence North 08° 16' 00" East, 21.30 feet;

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Thence North 43° 34' 39" East, 46.27 feet;

Thence North 66° 51' 59" East, 48.40 feet;

Thence North 42° 57' 50" East, 76.02 feet;

Thence North 27° 58' 18" East, 40.76 feet to the **True Point of Beginning**.

Containing within said bounds 3,367 square feet.

ENCROACHMENT 16

Commencing at the intersection of the centerline of Euclid Avenue (width varies) and the centerline of East 116th Place (30 feet wide);

Thence, along the centerline of Euclid Avenue, South 42° 54' 36" West, 1.75 feet;

Thence, leaving said centerline, South 33° 07' 47" East, 41.22 feet to the southeasterly right of way of Euclid Avenue and the **True Point of Beginning** for a 15 foot wide easement, 7.5 feet on each side of the following described centerline;

Thence, leaving said southeasterly right of way, North 33° 07' 47" West, 135.21 feet;

Thence, North 54° 39' 24" West, 12.72 feet;

Thence, North 32° 29' 23" West, 71.87 feet to a point hereinafter referred to as "Point A";

Thence, continuing North 32° 29' 23" West, 79.07 feet;

Thence, South 57° 30' 37" West, 6.12 feet to the **termination point** in the westerly right of way of East 116th Place;

ENCROACHMENT 17

Beginning at Point A hereinbefore described;

Thence, North 33° 20' 44" East, 25.80 feet to the **termination point** in the easterly right of way of East 116th Place;

ENCROACHMENT 18

Commencing at the intersection of the centerline of East 115th Street (50.00 feet wide) with the centerline of Euclid Avenue (100 feet wide);

Thence, along the centerline of East 115th Street, North 31° 07' 20" West 54.85 feet;

Thence, leaving said centerline, South 58° 52' 40" West, 17.50 feet to the **True Point of Beginning** for a 15 foot wide easement, 7.5 feet on each side of the following described centerline;

Thence North 31° 07' 20" West, 305.70 feet to the **termination point**.

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ENCROACHMENT 19

Commencing at a drill hole in a stone in a monument box found at the intersection of the centerline of Adelbert Street (60 feet wide) and the centerline of Euclid Avenue (width varies);

Thence, along the centerline of Euclid Avenue, North 42° 54' 13" East 571.04 feet to a point;

Thence, leaving said centerline, North 47° 05' 47" West, 47.39 feet to the **True Point of Beginning** for the easement herein described;

Thence North 46° 59' 50" West, 27.63 feet to a point on the northwesterly right of way of Euclid Avenue (width varies);

Thence, along said northwesterly right of way, North 42° 54' 20" East, 15.00 feet to a point;

Thence, leaving said northwesterly right of way, South 46° 59' 50" East, 27.64 feet to a point;

Thence South 42° 55' 11" West, 15.00 feet to the **True Point of Beginning**.

Containing within said bounds 415 square feet of land.

ENCROACHMENT 20

Commencing at a drill hole in a stone in a monument box found at the intersection of the centerline of Adelbert Street (60 feet wide) and the centerline of Euclid Avenue (width varies);

Thence along the centerline of Adelbert Street, South 47° 07' 11" East, 66.57 feet to a point;

Thence, leaving said centerline, South 42° 52' 49" West, 44.08 feet to a point in the southeasterly right of way of Euclid Avenue and the **True Point of Beginning** for a 15 foot wide easement, 7.5 feet on each side of the following described centerline;

Thence, leaving said southeasterly right of way, North 51° 35' 30" West, 66.79 feet to a point;

Thence North 42° 11' 29" West, 50.18 feet to the **termination point** in the northwesterly right of way of Euclid Avenue.

ENCROACHMENT 21

Commencing at a drill hole in a stone in a monument box found at the intersection of the centerline of Adelbert Street (60 feet wide) and the centerline of Euclid Avenue (width varies);

Thence, along the centerline of Euclid Avenue, South 42° 54' 13" West, 56.96 feet to a point;

Thence, leaving said centerline, South 47° 05' 47" East, 48.33 feet to the **True Point of Beginning** for the easement herein described;

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Thence, continuing South 47° 05' 47" East, 8.62 feet to a point on the southeasterly right of way line of Euclid Avenue;

Thence, along said southeasterly right of way, South 41° 19' 14" West, 88.18 feet to a point;

Thence, leaving said southeasterly right of way, North 47° 05' 47" West, 11.05 feet to a point;

Thence North 42° 54' 13" East, 88.15 feet to the **True Point of Beginning**.

Containing within said bounds 867 square feet of land.

The basis of bearings is the Ohio State Plane, North Zone NAD83 (1995) Grid North.

Legal Description approved by Greg Esber, 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 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.

Ord. No. 1048-18

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Case Western Reserve University to encroach into the public right-of-way of Euclid Avenue, East 115th Street, and East 116th Street by installing, using, and maintaining fiber optic duct banks.

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