

Ordinance No. 1049-18

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Cavaliers Operating Company, LLC to encroach into the public right-of-way of Huron Road by installing, using, and maintaining a LED totem board and foundation.

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 Cavaliers Operating Company, LLC, 1 Center Court, Cleveland, Ohio 44115 ("Permittee"), to encroach into the public right-of-way of Huron Road by installing, using, and maintaining a LED totem board and foundation at the following location:

ENCROACHMENT FOR A TOTEM WITHIN THE R/W OF HURON ROAD S.E.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Huron Road S. E. (94 feet wide), and further bounded and described as follows:

Beginning at 1" iron pin monument found (0.05' E) marking the centerline intersection of Ontario Street (variable width) with said Huron Road S.E.;

Thence N 56°25' 14" E, along said centerline of Huron Road S.E., a distance of 77.12 feet to a point;

Thence S 33°34' 46" E, a distance of 49.50 feet to a point on the southerly line of said Huron Road S.E. at its intersection with the easterly line of said Ontario Street;

Thence N 56°25' 14" E, along said southerly line of Huron Road S.E., a distance of 11.40 feet to the principal place of beginning of the encroachment herein intended to be described;

Course 1: Thence N 10°09' 59" W, a distance of 7.83 feet to a point;

Course No. 2: Thence N 79°50' 01 " E, a distance of 14.00 feet to a point;

Course No. 3: Thence S 10°09' 59" E, a distance of 1.77 feet to a point on said southerly line of Huron Road S. E.;

Course No. 4: Thence S 56°25' 14" W, along said southerly line of Huron Road S.E., a distance of 15.26 feet to the principal point of beginning and containing 0.0015 acres (67 sq. ft.) of land as calculated and described by John E. Jansky, Registered Surveyor Number 6440 of the C.W. Courtney Company in July, 2018, be the same or less, but subjected to all legal highways.

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Bearings used herein are based on assumed meridian and are used to indicate angles only.

The intent of the above legal description is to include all portions of the proposed Totem that will lie within the right of way of Huron Road S.E.

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 permits 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

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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