

# Ordinance No. 1103-18

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

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to the United States of America to encroach into the public right of way of Lakeside Avenue and East 9<sup>th</sup> Street by installing, using, and maintaining 52 bollards and 2 retaining walls.

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 United States of America, 1240 East Ninth Street Cleveland OH 44199 ("Permittee"), to encroach into the public rights-of-way of Lakeside Avenue and East 9<sup>th</sup> Street by installing, using, and maintaining 52 bollards and 2 retaining walls at the following locations:

Plaza retaining wall 1 along the south rights-of-way of Lakeside Avenue is located 28.00 feet easterly from the intersection of the easterly right of way of East 6<sup>th</sup> Street (99.00 feet wide) and the southerly right of way of Lakeside Avenue (99.00 feet wide) and extends northerly approximately 3'9" into the rights-of-way of Lakeside Avenue and easterly 183.00 feet.

Plaza retaining wall 2 along the south rights-of-way of Lakeside Avenue is located at the intersection of the westerly rights-of-way of East 9<sup>th</sup> Street (99.00 feet wide) and the southerly right of way of Lakeside Avenue (99.00 feet wide) and extends northerly approximately 3'9" into the rights-of-way of Lakeside Avenue and westerly 70.00 feet.

The 46 bollards along Lakeside Avenue are located 211.00 feet easterly from the intersection of the easterly rights-of-way of East 6<sup>th</sup> Street (99.00 feet wide) and the southerly right of way of Lakeside Avenue (99.00 feet wide) and extends northerly approximately 19'8" into the rights-of-way of Lakeside Avenue and easterly 175.00 feet.

The 6 bollards along the westerly rights-of-way of East 9<sup>th</sup> Street are located 267.00 feet southerly from the intersection of the westerly rights-of-way of East 9<sup>th</sup> Street (99.00 feet wide) and the southerly rights-of-way of Lakeside Avenue (99.00 feet wide) and extend easterly approximately 5'8" into the rights-of-way of East 9<sup>th</sup> Street and southerly 30.00 feet.

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

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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  
9-10-18

FOR: Director Spronz

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READ FIRST TIME on SEPTEMBER 10, 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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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