

# Ordinance No. 198-2019

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

## **AN EMERGENCY ORDINANCE**

Authorizing the Director of Capital Projects to issue one or more permits to Detroit Shoreway Community Development Organization to encroach into the public rights-of-way within the Gordon Square District with approximately 40 wayfinding signs as part of the TLCI Gordon Square Wayfinding Program, to be attached to Cleveland Public Power utility poles (by separate permission).

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 one or more permits, revocable at the will of Council, to Detroit Shoreway Community Development Organization ("Permittee"), 6516 Detroit Avenue, Cleveland, Ohio 44102, to encroach into the public rights-of-way within the Gordon Square District by installing, using, and maintaining approximately 40 wayfinding signs, as part of the Transportation for Living Communities Initiative ("TLCI") Gordon Square Wayfinding Program, to be attached to Cleveland Public Power utility poles (by separate permission). The permit(s) authorized shall not be issued until the Manager of the Division of Engineering and Construction and the Director of Capital Projects have first reviewed and approved each specific encroachment location that the Permittee requests including, but not necessarily limited to, the following, which are further depicted in File No. 198-2019-A:

West 41st + 90 Exit West NW corner sign post (Gordon Square ("GS") >)  
West 41st + Lorain SW corner 1<sup>st</sup> PP (< GS)  
West 65th + Lorain NE corner 1<sup>st</sup> LP (GS >)  
West 65th + Lorain SW corner 1<sup>st</sup> LP (< GS)  
West 65th + Lorain SE corner 1<sup>st</sup> PP (GS ^)  
Lawn + RTA Station SW corner 1<sup>st</sup> PP (GS >)  
Lawn + 65th NE corner 2<sup>nd</sup> PP (GS >)  
West 65th + Franklin SE corner 1<sup>st</sup> PP (GS ^)  
Parking S. of Detroit @ Gypsy 2<sup>nd</sup> LP (Public Parking Double-sided)  
West 65th + Detroit NE corner 1<sup>st</sup> LP (Public Parking x3)  
West of West 65th + South side of Detroit 2<sup>nd</sup> LP (Edgewater Park Pedestrian Tunnel)  
E. side of West 65th North of Detroit 3<sup>rd</sup> PP (Public Parking)  
W. side of West 65th North of Detroit on sign post (Public Parking)  
Herman + W65th NE corner 1<sup>st</sup> PP (Edgewater Park Pedestrian Tunnel)  
Caruso + W65th NE corner ground sign (Edgewater Park Entrance)  
West 58th + Cass NE corner ground sign (Gordon Square)  
West 58th + Caruso SW corner 1<sup>st</sup> PP (Edgewater Park)  
West 67th + Detroit NE corner 1<sup>st</sup> LP (Public Parking)(Double-sided)  
E. side West 67th N. of Detroit by parking entrance sign post (Public Parking)  
W. side of West 73<sup>rd</sup> N of Father Frascati ground sign (Entrance GS, Battery Park)  
W. side of West 73<sup>rd</sup> + N. of Detroit 1<sup>st</sup> PP (GS, 78 Studios)  
West 73<sup>rd</sup> + Detroit NE corner 1<sup>st</sup> PP (Edgewater Vehicular Tunnel)  
Detroit + Lake NE corner 2<sup>nd</sup> PP (78 Studios)  
West 76th + Lake NE corner 1<sup>st</sup> PP (Edgewater Park Pedestrian Tunnel)  
West 78th + Lake NE corner 1<sup>st</sup> PP E (78 Studios)

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West 78th + Lake NE corner 1<sup>st</sup> PP N (GS)  
West 78th + Detroit SE corner ground (GS + 78 Studios)  
West 80th + Lake NE 1<sup>st</sup> PP (78 Studio Double-sided)  
Between West 75th and West 77<sup>th</sup> S. side of Detroit 1<sup>st</sup> PP E. of W77 (GS)  
Detroit + Lake NW corner 1<sup>st</sup> PP (GS)  
Lake + Clifton SW corner 1<sup>st</sup> PP  
Lake + Clifton NW 1<sup>st</sup> PP  
W. side of West 76th S. of Father Frascati sign post by Tunnel (Welcome to GS + BP)  
Detroit + 49th NW corner 1<sup>st</sup> PP (GS >)  
West 49th + N. side of Herman by ramp (< Welcome to GS)  
West 45th + Detroit NW corner 1<sup>st</sup> PP (GS >)  
West 81<sup>st</sup> and S. side of Lorain @ I90 West Exit Ramp ground sign (GS >)

Section 2. That Permittee may assign the permit only with the written consent of the Director of Capital Projects. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to, poles; Permittee shall obtain such permission from the respective pole owner.

Section 3. That the encroaching objects permitted by this ordinance shall conform to plans and specifications 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 encroachments.

Section 4. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 5. That the Permit shall reserve reasonable right of entry to the encroachment location to the City.

Section 6. 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  
2-11-19

FOR: Director Spronz

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**READ FIRST TIME on FEBRUARY 11, 2019**  
**and referred to DIRECTORS of Capital Projects,**  
**City Planning Commission, Finance, Law;**  
**COMMITTEES on Municipal Services and Properties,**  
**Development Planning and Sustainability**

REPORTS

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READ SECOND TIME

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READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
MUNICIPAL SERVICES  
AND PROPERTIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
SUSTAINABILITY

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