

Ordinance No. 409-2019

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue one or more permits to MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services to encroach into the public right-of-way at various locations in the City of Cleveland by installing, using, and maintaining a wireline fiber optic communications network to include fiber optic cable, to be attached to utility poles (by separate permission of pole owner), duct banks and vaults.

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 MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services, 7300 Northfield Rd. Walton Hills. OH 44146 ("Permittee"), to encroach into the public right-of-way at various locations within the City of Cleveland by installing, using, and maintaining a wireline fiber optic communications network to include fiber optic cable to be attached to utility poles (by separate permission of pole owner), duct banks and vaults. 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.

Section 2. That Permittee may assign a permit only with the prior 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 first 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(s) authorized by this ordinance and shall incorporate such additional provisions as the director

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determines necessary to protect and benefit the public interest. The permit(s) 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 5. That the permit(s) shall reserve reasonable right of entry to the City to each encroachment location.

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
4-1-19

FOR: Director Spronz

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READ FIRST TIME on APRIL 1, 2019
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. **106** 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
FINANCE**

FILED WITH COMMITTEE