

Ordinance No. 702-2019

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to the State of Ohio, through the Department of Natural Resources, Division of Wildlife, to encroach into the public right-of-way of Fulton Road by installing, using, and maintaining a peregrine falcon nest tray.

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 State of Ohio, through the Department of Natural Resources, Division of Wildlife, 912 Portage Lakes Drive Akron, OH 44319 ("Permittee"), to encroach into the public right-of-way of Fulton Road beneath the Fulton Road bridge by installing, using, and maintaining a 21" wide x 24" long x 6.75" high wooden peregrine falcon nest tray at a specific location first approved in writing by the Director of Capital Projects.

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.

JBM:nl
6-3-19

FOR: Director Spronz

Ord. No. 702-2019

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to the State of Ohio, through the Department of Natural Resources, Division of Wildlife, to encroach into the public right-of-way of Fulton Road by installing, using, and maintaining a peregrine falcon nest tray.

READ FIRST TIME on JUNE 3, 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
DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

FILED WITH COMMITTEE