

Ordinance No. 438-2019

Council Members: McCormack, Johnson and Brancatelli

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to The Convention and Visitors Bureau of Greater Cleveland, Inc. to encroach into the public right-of-way within the Tremont neighborhood with a Pedestrian Wayfinding Sign Program by installing, using, and maintaining eight wayfinding signs and associated electrical duct banks.

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 Convention and Visitors Bureau of Greater Cleveland, Inc., 334 Euclid Avenue, Cleveland, OH 44114 ("Permittee"), to encroach into the public right-of-way within the Tremont neighborhood with a Pedestrian Wayfinding Sign Program by installing, using, and maintaining eight wayfinding signs and associated electrical duct banks, at the following locations:

1. Northwest corner of Abbey Avenue and West 13th Street
2. Northeast corner of West 10th Street and West 7th Street
3. Southeast corner of West 11th Street and Fairfield Avenue
4. Northwest corner of Professor Avenue and Starkweather Avenue
5. Northwest corner of West 11th Street and Starkweather Avenue
6. Southwest corner of West 11th Street and Kenilworth Avenue
7. Northeast corner of Professor Avenue and West 11th Street
8. Northeast corner of Abbey Avenue and Columbus Road

The final locations and the number of signs will be determined and approved after plan review on an individual site-by-site basis. The permit 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.

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structures permitted by this ordinance and the exact locations 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 3. 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 encroachments permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment locations.

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.

Passed June 3, 2019.

Effective June 5, 2019.