

**Ordinance No. 439-2019**

**Council Members:** B. Jones, Cleveland, Griffin, Johnson and Brancatelli (by departmental request)

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to MidTown Cleveland, Inc. to encroach into the public right-of-way of the Midtown District by installing, using, and maintaining the MidTown Wayfinding Signage Program.**

**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 MidTown Cleveland, Inc., 5000 Euclid Avenue, Suite 100, Cleveland, Ohio, 44103 (“Permittee”), to encroach into public rights-of-way within the Midtown District by installing, using, and maintaining 2 specialty trailblazer signs, 6 primary directional signs, 2 secondary directional signs, 19 trailblazer signs, 11 tertiary directional signs, and 2 primary gateway monument signs at the following locations:

**C2 - Specialty Trailblazer**

SW corner of E. 30th and Chester Ave.  
SE corner of E. 55th and Chester Ave.

**A1 - Primary Gateway**

NE corner of Interbelt and Euclid Ave.  
In front of MTC office

**C1 - Trailblazer**

SE corner of E. 40th and Commerce Ave  
NE corner of E. 30th and Chester Ave.  
NE corner of E. 47th and Commerce Ave.  
SE corner of E. 55th and Hough Ave.  
SW corner of E. 55th and Hough Ave.  
SE corner of E. 55th and Euclid Ave.  
SW corner of E. 55th and Chester Ave.  
SW corner of E. 55th and Carnegie Ave.  
NE corner of E. 30th and Prospect Ave.  
NW corner of E. 69th and Euclid Ave.

NW corner of E. 70th and Euclid Ave.  
NW corner of E. 71st and Chester Ave.  
SW corner of E. 71st and Carnegie Ave.  
SE corner of E. 71st and Euclid Ave.  
NE corner of E. 71st and Euclid Ave.  
SW corner of E. 79th and Chester Ave.  
SW corner of E. 79th and Carnegie Ave.  
NW corner of E. 40th Commerce Ave.  
SW corner of E. 70th and Chester Ave.

**B1 - Primary Directional**

SE corner of E. 40th and Chester Ave.  
SW corner of E. 40th and Chester Ave.  
SW corner of E. 55th and Chester Ave.  
NE corner of E. 55th and Chester Ave.  
NE corner of E. 55th and Carnegie Ave.  
NW corner of E. 55th and Chester Ave.

**B2 - Secondary Directional**

SE corner of E. 30th and Chester Ave.  
NW corner of E. 55th and Euclid Ave.

**B3 - Tertiary Directional**

NW corner of E. 40th and Euclid Ave.  
NE corner of E. 40th and Euclid Ave.  
SE corner of E. 40th and Euclid Ave.  
NW corner of E. 55th and Prospect Ave.  
NE corner of E. 66th and Chester Ave.  
SW corner of E. 40th and Carnegie Ave.

SE corner of E. 55th and Prospect Ave.  
SW corner of Prospect St. and Prospect Ave.  
SW corner of E. 66th and Chester Ave.  
SW corner of E. 30th and Prospect Ave.  
SW corner of E. 30th and Carnegie Ave.

**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.

**Passed June 3, 2019.**

**Effective June 5, 2019.**