

Ordinance No. 440-2019

Council Members: B. Jones, 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 rights-of-way within the Midtown District by installing, using, and maintaining the Asiatown “pie slice” blade 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 the public rights-of-way within the Midtown District by installing, using, and maintaining 56 blade signs as part of the Asiatown “pie slice” blade signage program at the following locations:

1. E. 27th St. and Payne Avenue, north - English & Chinese, English & Korean
2. E. 27th St. and Payne Avenue, south - English & Chinese, English & Tagalog
3. E. 31st St. and Payne Avenue, south - English & Chinese, English & Vietnamese
4. E. 32nd St. and Payne Avenue, north - English & Chinese, English & Thai
5. E. 33rd St. and Payne Avenue, north - English & Chinese, English & Hindi
6. E. 33rd St. and Payne Avenue, south - English & Chinese, English & Vietnamese
7. E. 34th St. and Payne Avenue, north - English & Chinese, English & Thai
8. E. 36th St. and Payne Avenue, south - English & Chinese, English & Korean
9. E. 36th St. and Payne Avenue, north - English & Chinese, English & Tagalog
10. E. 37th St. and Payne Avenue, south - English & Chinese, English & Thai
11. E. 38th St. and Payne Avenue, north - English & Chinese, English & Korean

12. E. 38th St. and Payne Avenue, south - English & Chinese, English & Thai
13. E. 39th St. and Payne Avenue, north - English & Chinese, English & Korean
14. E. 39th St. and Payne Avenue, south - English & Chinese, English & Thai
15. E. 30th St. and Superior Avenue, north - English & Chinese, English & Korean
16. E. 30th St. and Superior Avenue, south - English & Chinese, English & Vietnamese
17. E. 31st St. and Superior Avenue, north - English & Chinese, English & Vietnamese
18. E. 31st St. and Superior Avenue, south - English & Chinese, English & Korean
19. E. 32nd St. and Superior Avenue, north - English & Chinese, English & Hindi
20. E. 32nd St. and Superior Avenue, south - English & Chinese, English & Tagalog
21. E. 33rd St. and Superior Avenue, north - English & Chinese, English & Tagalog
22. E. 33rd St. and Superior Avenue, south - English & Chinese, English & Hindi
23. E. 34th St. and Superior Avenue, north - English & Chinese, English & Thai
24. E. 34th St. and Superior Avenue, south - English & Chinese, English & Vietnamese
25. E. 36th St. and Superior Avenue, north - English & Chinese, English & Vietnamese
26. E. 36th St. and Superior Avenue, south - English & Chinese, English & Thai
27. E. 38th St. and Superior Avenue, south - English & Vietnamese, English & Korean
28. E. 40th St. and King Avenue - English & Hindi, English & Chinese

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 encroachments.

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.