

**Ordinance No. 441-2019**

**Council Members:** B. Jones, Cleveland, 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 from 24 to 36 bike racks.**

**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 from 24 to 36 bike racks, at the following locations:

List of **potential** bike rack locations for a total number of 24-36 bike racks.

1	The Agora	5000 Euclid Ave	Destination
2	Children's Museum	3813 Euclid Ave	Destination
3	Masonic Auditorium	3615 Euclid Ave	Destination
4	Morgan Conservatory	E. 47th St	Destination
5	CASTLE High School	3950 Prospect Ave E	Education
6	City Mission	5310 Carnegie Ave	Education
7	NewBridge	3634 Euclid Ave	Education
8	Ohio Guidestone Workforce	3235 Prospect Ave E	Education
9	Stepstone Academy	3328 Carnegie Ave	Education
10	The Centers for Families &	4500 Euclid Ave	Education
11	Jane Edna Social Services	3955 Euclid Ave	Education
12	ALDI	7500 Euclid Ave-5	Food Amenities
13	Cleveland Bagel	Carnegie Ave & E.75	Food Amenities
14	Colonel Young Park	E. 46th St & Prospect	Food Amenities
15	3631 Perkins	3631 Perkins Ave	Office
16	Link 59	6001 Euclid Ave	Office
17	MidTown Tech Park	6700 Euclid Ave	Office
18	Baker Electric Building	7100 Euclid Ave	Office
19	Tech Hive	6815 Euclid Ave	Office
20	Vocon	3142 Prospect Ave E	Office

21	NEORS D	3900 Euclid Ave	Office
22	Cityview Rehab	6606 Carnegie Ave	Residential
23	University Studios	2901 Euclid Ave	Residential

The final locations and the number of bike racks will be determined and approved after plan review on an individual site-by-site basis. The permits 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 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 structures permitted by this ordinance and exact locations 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.**