

Ordinance No. 701-2019

Council Members: McCormack, Johnson and Brancatelli (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to K & D Real-Estate Services, LLC, to encroach into the public right-of-way of 1500 West 3rd Street by installing, using and maintaining an awning and 2 sculptures with pedestal foundations.

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 K & D Real-Estate Services, LLC, 1621 Euclid Avenue ("Permittee"), to encroach into the public right-of-way West 3rd Street by installing, using and maintaining an awning and 2 sculptures with pedestal foundations, at the following location:

**EASEMENT DESCRIPTION
1500 West 3rd Street Cleveland, Ohio**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, being part of Original 2 Acre Lot No. 79 and known as being part of Bridge of West 3rd Street (59 feet wide) (Plat Volume 123, page 20 of the Cuyahoga County Map Records.) and more fully described as follows:

Commencing for Reference at the intersection of the northerly side of Bridge of West Huron Road NW (84 feet wide) and the westerly line of Bridge of West 3rd Street. Thence, North 04°-51'-28" East along the westerly line of Bridge of West 3rd Street, a distance of 105.86 feet, to the **TRUE PLACE OF BEGINNING** of the Encroachment Easement herein to be described;

Course No. 1: thence, **North 04°-51'-28" East**, continuing along said westerly line, a distance of **26.00 feet** to a point;

Course No. 2: thence, **South 85°-08'-32" East**, a distance of **10.50 feet** to a point;

Course No. 3: thence, **South 04°-51'-28" West**, a distance of **26.00 feet** to a point;

Course No. 4: thence, **North 85°-08'-32" West**, a distance of **10.50 feet** to the place of beginning, and containing **0.006 acres** of land more or less, as prepared in

April 2019 by **McSteen & Associates, Inc.** under Project No. 19-036, and being subject to all legal highways and easements of record.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

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 July 24, 2019.

Effective July 26, 2019.