

Ordinance No. 702-2019

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to the State of Ohio, through the Department of Natural Resources, Division of Wildlife, to encroach into the public right-of-way of Fulton Road by installing, using and maintaining a peregrine falcon nest tray.

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 State of Ohio, through the Department of Natural Resources, Division of Wildlife, 912 Portage Lakes Drive Akron, OH 44319 (“Permittee”), to encroach into the public right-of-way of Fulton Road beneath the Fulton Road bridge by installing, using and maintaining a 21” wide x 24” long x 6.75” high wooden peregrine falcon nest tray at a specific location first approved in writing by the Director of Capital Projects.

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.