

Ordinance No. 884-2020

By Council Members **B. Jones, Johnson**
and **Brancatelli (by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to East 66th Street LLC to encroach into the public rights-of-way of Euclid Avenue and East 66th Street by installing, using, and maintaining a building foundation and communication duct bank.

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 East 66th Street LLC, 1422 Euclid Ave., Suite 1200, Cleveland, OH 44115 (“Permittee”), to encroach into the public rights-of-way of beneath Euclid Avenue and East 66th Street by installing, using, and maintaining a building foundation and communication duct bank, at the following locations:

East 66th Street and Euclid Avenue foundation encroachment

Situated in the City of Cleveland, County of Cuyahoga and known as being part of the 60-foot public right of way known as East 66th Street and being more fully described as follows:

Beginning at an iron pin set on the east line of East 66th Street at the north line of Euclid Ave (R/W varies) as described in permanent R/W use easement recorded as Document No 2010012030237 of Cuyahoga County Records;

Thence N 01° 14’ 56” W, along the said east line of East 66th Street, 245.27 feet;

Thence S 88° 45’ 04” W, 4.67 feet;

Thence S 01° 14’ 56” W, 249.92 feet;

Thence N 88° 45’ 04” E, 48.25 feet to the north line of said Euclid Ave;

Thence N 85° 09’ 57” W along the north line of said Euclid Ave, 43.82 feet to the Place of Beginning and containing 1268 square feet of land as surveyed by Robert J. Warner, PS 6931 for Environmental Design Group in August 2020.

Bearings are based on Grid North in the Ohio State Plane Coordinate System NAD83 (2011).

East 66th Street communication duct bank encroachment

Situated in the City of Cleveland, County of Cuyahoga and known as being part of the 60-foot public right of way known as East 66th Street and being more fully described as follows:

Beginning at an iron pin set on the east line of East 66th Street at the north line of Euclid Avenue (R/W varies) as described in permanent R/W use easement recorded as Document No 2010012030237 of Cuyahoga County Records;

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Thence N 01° 14' 56" W, along the east line of said East 66th Street, 343.35 feet to the True Place of Beginning for the parcel intended to be described herein;

Thence S 88° 45' 45" W, 60.00 feet to the west line of said East 66th Street;

Thence N 01° 14' 54" W, along the west line of said East 66th Street, 6.00 feet;

Thence N 88° 45' 45" E, 11.46 feet;

Thence N 02° 04' 36" W, 13.20 feet;

Thence N 87° 55' 24" E, 3.00 feet;

Thence S 02° 04' 36" E, 13.25 feet;

Thence N 88° 45' 45" E, 38.64 feet;

Thence N 16° 57' 22" W, 34.55 feet;

Thence N 73° 02' 38" E, 5.00 feet;

Thence S 16° 57' 22" E, 30.77 feet;

Thence N 88° 33' 14" E, 3.10 feet to the east line of said East 66th Street;

Thence S 01° 14' 54" E, along the east line of said East 66th Street, 11.00 feet to the True Place of Beginning and containing 693 square feet of land as surveyed by Robert J. Warner, PS 6931 for Environmental Design Group in August 2020.

Bearings are based on Grid North in the Ohio State Plane Coordinate System NAD83 (2011).

Legal Descriptions approved by Eric B. Westfall, Acting 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.

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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.

JBM:nl
11-18-2020
FOR: Director Spronz

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REPORT
after second Reading

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READ FIRST TIME on NOVEMBER 18, 2020

REPORTS

and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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PASSAGE RECOMMENDED BY
COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

FILED WITH COMMITTEE
