

Ordinance No. 442-2020 AS AMENDED

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to The Board of Park Commissioners of the Cleveland Metropolitan Park District to encroach into the public right-of-way of ~~River Road~~ River Avenue by installing, using and maintaining an asphalt all-purpose trail.

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 Board of Park Commissioners of the Cleveland Metropolitan Park District, 1410 Fulton Parkway, Cleveland, OH 44144 (“Permittee”), to encroach into the public right-of-way of ~~River Road~~ River Avenue by installing, using, and maintaining an asphalt all-purpose trail at the following described location:

~~Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of River Road (66 feet wide):~~

~~Commencing at the intersection of the southeasterly line of said River Road and the northeasterly line of Mulberry Street (66 feet wide); thence N 18° 40' 05" E, 5.54 feet along the southeasterly line of said River Road to the Point of Beginning;~~

~~Thence N 71° 19' 55" W, 66.00 feet to the northwesterly line of said River Road;~~

~~Thence N 18° 40' 05" E, 258.86 feet along the northwesterly line of said River Road;~~

~~Thence N 18° 31' 25" E, 346.89 feet along the northwesterly line of said River Road;~~

~~Thence N 85° 08' 08" E, 7.75 feet to the proposed back of curb;~~

~~Thence S 04° 51' 52" E, 21.61 feet along the said proposed back of curb to a point of curvature;~~

~~Thence southwesterly along the arc of a curve deflecting to the right and along said proposed back of curb, 39.68 feet, said curve having a radius of 99.50 feet, central angle of 22° 51' 05", and a chord bearing of S 07° 05' 52" W, 39.42 feet;~~

~~Thence S 18° 31' 25" W, 514.80 feet along said proposed back of curb and the prolongation of said back of curb;~~

~~Thence S 71° 19' 55" E, 41.94 feet to the southeasterly line of said River Road;~~

~~Thence S 18° 40' 05" W, 35.61 feet along the southeasterly line of said River Road to the Point of Beginning and containing 15535 square feet. This legal description was written for Cleveland Metroparks by Gary J. Tata, P.S. #7723. Bearings are based on Grid North derived from GPS observations.~~

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

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Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of River Avenue (66 feet wide):

Commencing at the intersection of the southeasterly line of said River Avenue and the northeasterly line of Mulberry Street (66 feet wide); thence N 18° 40' 05" E, 5.54 feet along the southeasterly line of said River Avenue to the Point of Beginning;

Thence N 71° 19' 55" W, 66.00 feet to the northwesterly line of said River Avenue;

Thence N 18° 40' 05" E, 258.86 feet along the northwesterly line of said River Avenue;

Thence N 18° 31' 25" E, 389.69 feet along the northwesterly line of said River Avenue;

Thence S 04° 23' 15" W, 71.66 feet to the proposed back of curb;

Thence S 18° 31' 25" W, 543.50 feet along said proposed back of curb and the prolongation of said back of curb;

Thence S 71° 19' 55" E, 47.94 feet to the southeasterly line of said River Avenue;

Thence S 18° 40' 05" W, 35.61 feet along the southeasterly line of said River Avenue to the Point of Beginning and containing 12,532 square feet. This legal description was written for Cleveland Metroparks by Gary J. Tata, P.S. #7723. Bearings are based on Grid North derived from GPS observations.

Legal Description approved by Eric Westfall, Section Chief (Acting), 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 encroachments 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 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.

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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.

JBM:nl
6/3/2020
FOR: Director Spronz

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THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In the title, line 6 and in section 1, line 4, strike "River Road" and insert "River Avenue".

2. In Section 1, strike the legal description in its entirety and insert:

"Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of River Avenue (66 feet wide):

Commencing at the intersection of the southeasterly line of said River Avenue and the northeasterly line of Mulberry Street (66 feet wide); thence N 18° 40' 05" E, 5.54 feet along the southeasterly line of said River Avenue to the Point of Beginning;

Thence N 71° 19' 55" W, 66.00 feet to the northwesterly line of said River Avenue;

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Legal Description approved by Eric Westfall, Section Chief (Acting), Plats, Surveys and House Numbering Section."

Date: _____ (Signed): _____

Stephanie Melnyk
Chief Assistant Director of Law

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**REPORT
after second Reading**

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READ FIRST TIME on JUNE 3, 2020

REPORTS

**and referred to DIRECTORS of City Planning Commission, 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
