

Ordinance No. 712-2021

By Council Member McCormack

FOR PASSAGE
August 18, 2021

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to Downtown Cleveland Alliance to encroach onto the property that is owned by the City of Cleveland, known as the “Boardwalk”, along the Flats East 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 Downtown Cleveland Alliance to encroach onto the property that is owned by the City of Cleveland, known as the “Boardwalk”, along the Flats East Bank at the following location:

Situated in the State of Ohio, County of Cuyahoga, City of Cleveland and being part of a tract of land as conveyed to the City of Cleveland, by AFN 200809300070 and Plat Book 354 Page 87 of said county records and bounded and described as follows:

COMMENCING at a 1 inch iron pin in a monument box (found) at the centerline of West 9th Street and Lakeside Avenue, said point being witnessed by 3/4 inch iron pin in a monument box (found) at the centerline intersection of West 9th Street and Front Street, bearing North 34 degrees 24 minutes 09 seconds West, a distance of 572.93 feet; thence on the centerline right of way of West 9th Street, North 34 degrees 24 minutes 09 seconds West a distance of 218.79 feet to the centerline intersection of West 9th Street and Main Avenue; thence on the centerline of Main Avenue, South 55 degrees 39 minutes 06 seconds West a distance of 170.52 feet to a point on the west line of Main Avenue; thence continuing on the centerline of Main Avenue extended, South 55 degrees 39 minutes 06 seconds West a distance of 797.74 feet to a point on the east line of the City of Cleveland Parcel Number 101-11-003 ; thence through the City of Cleveland Parcel Number 101-11-003, South 71 degrees 00 minutes 21 seconds West, a distance of 213.17 feet to a point on the north line of the City of Cleveland Parcel Number 101-11-015 and the POINT OF BEGINNING of the parcel herein described:

1) Thence, on a new line through City of Cleveland Parcel Number 101-11-015, Northwesterly, an arc distance of 57.64 feet, on a curve deflecting to the right, having a central angle of 143 degrees 35 minutes 02 seconds, a radius of 23.00 feet, and a chord that bears North 80 degrees 55 minutes 50 seconds West, a chord distance of 43.70 feet to a point;

2) Thence on a new line through City of Cleveland Parcel Number 101-11-003, Southeasterly, an arc distance of 53.16 feet, on a curve deflecting to the right, having a central angle of 121 degrees 50 minutes 17 seconds, a radius of 25.00 feet, and a chord that bears South 80 degrees 55 minutes 50 seconds East, a chord distance of 43.70 feet to the POINT OF BEGINNING, containing 0.0208 acres and being part of Cuyahoga County Auditor’s Parcel Numbers 101-11-015 and 101-11-003.

The bearings for this description are based on Grid North, of the Ohio State Plane Coordinate System, North Zone, NAD83(2011), as measured with GPS.

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This description was prepared and reviewed under the supervision of Steven L. Mullaney, Professional Surveyor No. 7900, in August 2021.

Legal Description approved by Eric B. Westfall, P.S., 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.

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.

KPM:rns
8/18/2021

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**REPORT
after Second Reading**

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**READ FIRST TIME
and referred to**

REPORTS

**APPROVED BY
CITY PLANNING COMMISSION**

CITY CLERK

Secretary

READ SECOND TIME

CITY CLERK

READ THIRD TIME on AUGUST 18, 2021

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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READ FIRST, SECOND AND THIRD TIME