

Ordinance No. 409-16

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit and authorizing the Director of Public Works to issue a license to The Rock and Roll Hall of Fame and Museum, Inc. to encroach into the public right-of-way of Euclid Avenue and on two City-owned parcels by installing, using, and maintaining five "Rock Boxes" and accompanying electrical duct banks.

WHEREAS, The Rock and Roll Hall of Fame and Museum and Destination Cleveland are planning to create, maintain and program a rock-themed sculpture and sound installation along the downtown business spine of East 9th Street; and

WHEREAS, the entire installation will consist of stacks of 2-foot-square loudspeakers set in eight locations along East 9th Street from Progressive Field to Willard Park of which one location is in the public right-of-way and two are on City-owned land; and

WHEREAS, each stack of speakers is called a "Rock Box"; and

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 Rock and Roll Hall of Fame and Museum, Inc., 751 Erieside Avenue, Cleveland, Ohio 44114 ("Permittee"), to encroach into the public right-of-way of Euclid Avenue within the Central Business District by installing, using, and maintaining one Rock Box and accompanying electrical duct banks at the following location:

<u>Site</u>	<u>Location</u>
#9	Euclid Avenue just East of East 9 th Street at RTA Station, Euclid Avenue right-of-way 1 Rock Box (6-driver unit)

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

Section 2. That, notwithstanding Section 183.16 and any other provision of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to issue a license which shall renew from year-to-year, subject to termination at any time by the Director, to the Permittee as a licensee, to enter upon two City-owned parcels within the Central Business District to install, use, and maintain Rock Boxes and accompanying electrical duct banks at the following locations:

<u>Site</u>	<u>Location</u>	<u>Parcel</u>	<u>Owner</u>
#5	East 9th Street & Rockwell Avenue – Southwest corner, 1 Rock Box (3-driver unit) and 1 Rock Box (6-driver unit)	101-05-013	City of Cleveland

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<u>Site</u>	<u>Location</u>	<u>Parcel</u>	<u>Owner</u>
#7	East 9th Street & Shoreway Ramp by RTA Station, 1 Rock Box (4-driver unit) and 1 Rock Box (5-driver unit)	101-03-009	City of Cleveland

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

Section 3. That the Director of Law shall prepare the permit and license authorized by this ordinance and shall incorporate such additional provisions as that director determines necessary to protect and benefit the public interest. The permit and license shall be issued only when, in the opinion of the Director of Law, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That Permittee may assign the permit or the license only with the prior written consent of the Director of Capital Projects or the Director of Public Works, as applicable. That the encroaching structure(s) permitted and entry upon City property licensed under this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s) and structures on City property.

Section 5. That the permit and license shall reserve to the City reasonable right of entry to the locations, encroachments into, and entered upon and shall require that Permittee remove encroachments the structures and restore the property to its original condition if the permit or license is revoked.

Section 6. 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
4-4-16

FOR: Directors Spronz and Cox

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READ FIRST TIME on APRIL 4, 2016
and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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**REPORT
after second Reading**

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

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

