

Ordinance No. 329-2023 AS AMENDED

By Council Members Bishop, Hairston and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to enter into a sixth amendment to the Lakefront Parks Lease with the Board of Park Commissioners for the Cleveland Metropolitan Park District to add a portion of Gordon Park to the lease.

WHEREAS, City and the Board of Park Commissioners for of the Cleveland Metropolitan Park District ("Metroparks") wish to amend the Lakefront Parks Lease (the "Lease") to add a portion of Gordon Park to the Lease for the purpose of recreation improvements and ongoing maintenance; 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 Public Works is authorized to enter into a sixth amendment to the Lease with Metroparks, as authorized by Ordinance No. 504-13, passed April 22, 2013, as amended, to add the portion of Gordon Park which is bounded by I-90 to the north, railroad tracks to the south; East 72nd Street to the west; and Martin Luther King Jr. Drive to the east, known as a portion of PPN 105-35-001 (the "Property") and to permit future park improvements to be made by Metroparks in the amount of approximately \$8,000,000.00. The improvements shall be determined by a community engagement process and the park and amenities shall remain open to the public free of charge. The improvement, operation, and maintenance of the park shall be in accordance with conveyance deeds from William J. Gordon and his estate to the City of Cleveland.

This Property is depicted on the map placed in File No. _____ and is more fully described as follows:

**GORDON PARK SOUTH LEASE DESCRIPTION
LAKEFRONT RESERVATION
47.7594 ACRES**

Situated in the City of Cleveland, County of Cuyahoga, part of Original Lot 350 and 367, Township 7 North, Range 12 West of the Connecticut Western Reserve and being part of a parcel conveyed to The City of Cleveland as recorded in Volume 563, Page 196 of said county records and bounded and described as follows:

COMMENCING at a stone with a drill hole found on the west line of Original Lot 350 and the north line of a parcel conveyed to Consolidated Rail Corporation as recorded in Volume 14899, Page 785, formerly known as Lake

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Shore & Michigan Southern Railway, thence on said north line of Consolidated Rail **North 55 degrees 54 minutes 38 seconds East**, a distance of **328.29 feet** to the back of curb of the east side of East 72nd Street, formerly Gordon Park Avenue, passing over a 1 inch rebar found in a monument box on the original centerline of said East 72nd Street at 277.11 feet, being the **POINT OF BEGINNING** of the parcel herein described:

- 1) Thence on said back of curb, **North 0 degrees 04 minutes 20 seconds West**, a distance of **476.50 feet**;
- 2) Thence continuing on said back of curb parallel to the original centerline of said East 72nd Street, **North 0 degrees 28 minutes 56 seconds West**, a distance of **400.00 feet** to a point witnessed by a 1 inch rebar found in a monument box on said original centerline of said East 72nd Street, bearing South 89 degrees 31 minutes 04 seconds West at 46.00 feet;
- 3) Thence continuing on said back of curb, **Northeasterly**, an arc distance of **223.99 feet**, on a curve deflecting to the right, having a central angle of **15 degrees 12 minutes 21 seconds**, a radius of **844.00 feet**, and a chord that bears **North 6 degrees 53 minutes 35 seconds East**, a distance of **223.33 feet** to the south limited access right of way of Interstate 90 as shown on CUY.90-17.58 right of way plans;

Thence on said south limited access right of way, the following five (5) courses:

- 4) **North 87 degrees 22 minutes 12 seconds East**, a distance of **18.80 feet**;
- 5) **North 22 degrees 24 minutes 10 seconds East**, a distance of **546.28 feet**;
- 6) **North 61 degrees 52 minutes 09 seconds East**, a distance of **339.64 feet**;
- 7) **North 87 degrees 08 minutes 29 seconds East**, a distance of **976.37 feet**;
- 8) **South 82 degrees 41 minutes 54 seconds East**, a distance of **426.09 feet** to the back of curb of the west side of Martin Luther King Jr. Drive, formerly East Boulevard and Liberty Boulevard;

Thence on said back of curb, the following four (4) courses:

- 9) **Southeasterly**, an arc distance of ~~41.51~~ **45.51 feet**, on a curve deflecting to the right, having a central angle of **32 degrees 35 minutes 48 seconds**, a radius of **80.00 feet**, and a chord that bears **South 27 degrees 27 minutes 30 seconds East**, a distance of **44.90 feet**;
- 10) **South 11 degrees 09 minutes 37 seconds East**, a distance of **9.83 feet**;
- 11) **Southeasterly**, an arc distance of **194.69 feet**, on a curve deflecting to the left, having a central angle of **23 degrees 10 minutes 55 seconds**, a radius of **481.20 feet**, and a chord that bears **South 22 degrees 45 minutes 04 seconds East**, a distance of **193.37 feet**;
- 12) **South 34 degrees 20 minutes 32 seconds East**, a distance of **121.99 feet** to the said north line of Consolidated Rail, witnessed by a 3/4 inch bar found on said north line of Consolidated Rail and the said south line of limited access right of way of Interstate 90 at Station 252+98.80, 72.00 feet right of the centerline of said Interstate 90, bearing North 55 degrees 54 minutes 38 seconds East at 1,532.08 feet;
- 13) Thence on the said north line of Consolidated Rail, **South 55 degrees 54 minutes 38 seconds West**, a distance of **2,551.82 feet** to the **Point of Beginning**, containing 47.7594 acres (2,080,401 SF).

The bearings for this description are based on Grid North, of the Ohio State Plane Coordinate System, North Zone, NAD83(2011) as determined by GNSS measurements tied to the Ohio Department of Transportation's RTN system.

This description was prepared under the supervision of Justin P. Hinchcliffe, Professional Surveyor No. 8556, in January 2023, for the Cleveland Metroparks, and is based on field measurements to define lease premises only.

Section 2. That all other terms of the Lease shall remain the same.

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Section 3. That the amendment shall be prepared by the Director of Law and shall contain any additional provisions that the Director of Law deems necessary to protect the public interest.

Section 4. 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.

RB:nl
3-13-23

FOR: Director Williams

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**REPORT
after second Reading**

**By Council Members Bishop, Hairston and Griffin
(by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to enter into one or more amendments to the Lakefront Parks Lease with the Board of Park Commissioners for the Cleveland Metropolitan Park District to modify the boundaries of certain properties in the leased premises.

_____ **READ FIRST TIME** _____ **REPORTS**

and referred to _____

by the council _____

CITY CLERK

_____ **READ SECOND TIME** _____

by the council _____

CITY CLERK

_____ **READ THIRD TIME** _____

by the council _____

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ Page _____

Published in the City Record _____

