

Ordinance No. 329-2019

Council Members: Hairston, Johnson, Brancatelli and Kelley (by departmental request)

An emergency ordinance authorizing the Director of Public Works to execute a deed of easement and two deeds of temporary easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property needed for its London Road Relief Sewer Project; and declaring the easement rights not needed for the City's public use.

WHEREAS, the Northeast Ohio Regional Sewer District ("NEORS") has requested the Director of Public Works to convey certain easement rights and temporary easement rights in property needed for its London Road Relief Sewer Project; 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, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that a permanent easement interest located at the project site is not needed for the City's public use and is further described as follows:

**Permanent Sewer Easement LNDN-PS10
Across Parcel No. 117-08-001 and 117-10-047
0.0644 Acre (2,803 Square Feet)**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 158, in Van Deboe Hager Co's Euclid Lawn Subdivision of part of Original Euclid Township Lot No. 9, Tract No. 10 as recorded in Volume 35, Page 28 of the Cuyahoga County Map Records and part of Original Euclid Township Lot No. 50, Tract No. 11 and the Gore Tract. Also, being part of the land conveyed to City of Cleveland, as recorded in Volume 7232, Page 270 and Volume 7070, Page 565 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Roseland Road (50 feet wide) and the centerline of Avalon Road (50 feet wide);

Thence, along the centerline of Roseland Road, North 41° 28' 19" East, 215.07 feet to the westerly line of said land conveyed to City of Cleveland;

Thence, leaving said centerline, along the westerly line of said land conveyed to City of Cleveland, South 47° 28' 06" East, 2.56 feet to the **True Point of**

Beginning for the easement herein described;

Thence, leaving the westerly line of said land conveyed to City of Cleveland, along the arc of a curve which deflects to the left, 246.08 feet to the northerly line of said land conveyed to City of Cleveland, said curve having a radius of 394.50 feet, a central angle of 35° 44' 22", and a chord of 242.11 feet which bears North 16° 56' 00" East;

Thence, along the northerly line of said land conveyed to City of Cleveland, North 49° 04' 29" East, 14.22 feet;

Thence, leaving said northerly line, along the arc of a curve which deflects to the right, 263.57 feet to the westerly line of said land conveyed to City of Cleveland, said curve having a radius of 405.50 feet, a central angle of 37° 14' 31", and a chord of 258.96 feet which bears South 16° 23' 35" West;

Thence, along the westerly line of said land conveyed to City of Cleveland, North 47° 28' 06" West, 11.10 feet to the point of beginning.

Containing within said bounds 0.0644 acre of land (2,803 square feet) as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in September 2017.

Bearings are based on Ohio State Plane, North Zone NAD83(2011) Grid North.

Section 2. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that two temporary easement interests located at the project site are not needed for the City's public use and are further described as follows:

**Temporary Easement LNDN-T14
Across Parcel No. 117-08-001 and 117-10-047
0.3952 Acre (17,213 Square Feet)**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 158, in Van Deboe Hager Co's Euclid Lawn Subdivision of part of Original Euclid Township Lot No. 9, Tract No. 10 as recorded in Volume 35, Page 28 of the Cuyahoga County Map Records and part of Original Euclid Township Lot No. 50, Tract No. 11 and the Gore Tract. Also, being part of the land conveyed to City of Cleveland, as recorded in Volume 7232, Page 270 and Volume 7070, Page 565 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Roseland Road (50 feet wide) and the centerline of Avalon Road (50 feet wide);

Thence, along the centerline of Roseland Road, North 41° 28' 19" East, 215.07

feet to the westerly line of said land conveyed to City of Cleveland and the **True Point of Beginning** for the easement herein described;

Thence, leaving said centerline, along the westerly line of said land conveyed to City of Cleveland, North 47° 28' 06" West, 117.95 feet;

Thence, leaving said westerly line, North 11° 30' 52" West, 10.42 feet to the northerly line of said land conveyed to City of Cleveland;

Thence, along the northerly line of said land conveyed to City of Cleveland, North 49° 04' 29" East, 213.61 feet;

Thence, leaving said northerly line, along the arc of a curve which deflects to the right, 246.08 feet to the westerly line of said land conveyed to City of Cleveland, said curve having a radius of 394.50 feet, a central angle of 35° 44' 22", and a chord of 242.11 feet which bears South 16° 56' 00" West;

Thence, along the westerly line of said land conveyed to City of Cleveland, North 47° 28' 06" West, 2.56 feet to the point of beginning.

Containing within said bounds 0.3952 acre of land (17,213 square feet) as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in September 2017.

Bearings are based on Ohio State Plane, North Zone NAD83(2011) Grid North.

**Temporary Easement LNDN-T15
Across Parcel No. 117-08-001 and 117-10-047
0.3724 Acre (16,222 Square Feet)**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 158, in Van Deboe Hager Co's Euclid Lawn Subdivision of part of Original Euclid Township Lot No. 9, Tract No. 10 as recorded in Volume 35, Page 28 of the Cuyahoga County Map Records and part of Original Euclid Township Lot No. 50, Tract No. 11 and the Gore Tract. Also, being part of the land conveyed to City of Cleveland, as recorded in Volume 7232, Page 270 and Volume 7070, Page 565 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Roseland Road (50 feet wide) and the centerline of Avalon Road (50 feet wide);

Thence, along the centerline of Roseland Road, North 41° 28' 19" East, 215.07 feet to the westerly line of said land conveyed to City of Cleveland;

Thence, leaving said centerline, along the westerly line of said land conveyed to City of Cleveland, South 47° 28' 06" East, 13.66 feet to the **True Point of**

Beginning for the easement herein described;

Thence, leaving said westerly line, along the arc of a curve which deflects to the left, 263.57 feet to the northerly line of said land conveyed to City of Cleveland, said curve having a radius of 405.50 feet, a central angle of $37^{\circ} 14' 31''$, and a chord of 258.96 feet which bears North $16^{\circ} 23' 35''$ East;

Thence, along the northerly line of said land conveyed to City of Cleveland, North $49^{\circ} 04' 29''$ East, 29.15 feet;

Thence, leaving said northerly line, South $41^{\circ} 34' 06''$ East, 13.65 feet;

Thence, South $03^{\circ} 19' 31''$ West, 26.34 feet;

Thence, South $40^{\circ} 36' 34''$ East, 104.14 feet;

Thence, South $41^{\circ} 23' 41''$ West, 227.23 feet to the westerly line of said land conveyed to City of Cleveland;

Thence, along the westerly line of said land conveyed to City of Cleveland, North $47^{\circ} 28' 06''$ West, 27.38 feet to the point of beginning.

Containing within said bounds 0.3724 acre of land (16,222 square feet) as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in September 2017.

Bearings are based on Ohio State Plane, North Zone NAD83(2011) Grid North.

Section 3. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described non-exclusive permanent easement interest and the two exclusive temporary easement interests to NEORSD at a price of \$1.00 and other valuable consideration, which is determined to be fair market value. Section 1 of Ordinance No. 263-18, passed June 4, 2018, authorizes future easements valued at \$29,064 to be granted to NEORSD at no cost as part of the compensation for the Charles Van Duzer property. The herein easements are appraised at \$11,340 therefore, pursuant to Ord. No. 263-18, the remaining credit due to NEORSD is \$17,724.

Section 4. That the purpose of the easements shall be to access to the project site for construction and future maintenance needed for the London Road Relief Sewers Project.

Section 5. That the duration of the permanent easement shall be perpetual; that the duration of the temporary easements shall be until the London Road Relief Sewer Project is completed; that the permanent easement and temporary easements shall include reasonable right of entry rights to the City; that the easement and temporary easements shall not be assignable without the consent of the Director of Public Works;

that the permanent easement and temporary easements shall require that NEORS or its contractor provide reasonable insurance, and pay any applicable taxes and assessments.

Section 6. That the conveyances referred to above shall be made by official deed of easement and official deeds of temporary easement prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The deed of easement and the deeds of temporary easement shall contain any additional terms and conditions as are required to protect the interest of the City. The Directors of Public Works and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to affect this ordinance.

Section 7. 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.

Passed April 29, 2019.

Effective May 1, 2019.