

**Ordinance No. 546-2019**

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

**An emergency ordinance authorizing the Director of Public Works to execute a deed of easement granting to The East Ohio Gas Company dba Dominion Energy Ohio certain easement rights in property located along Woodhill Road at the Ozell A. Dobbins, Sr. Maintenance Center, and declaring that the easement rights granted are not needed for the City's public use.**

**WHEREAS**, The East Ohio Gas Company dba Dominion Energy Ohio ("Dominion") has requested the Director of Public Works to convey certain easement rights in property along Woodhill Road at the Ozell A. Dobbins, Sr. Maintenance Center located at 3000 Woodhill Road and known as Permanent Parcel Number 126-38-016; and

**WHEREAS**, Dominion requires an easement to replace the natural gas pipeline along the area; and

**WHEREAS**, the easement rights to be granted are not needed for the City's public use; 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 an easement interest in the following described property located at the Ozell A. Dobbins, Sr. Maintenance Center located at 3000 Woodhill Road and known as Permanent Parcel Number 126-38-016 is not needed for the City's public use:

5 Foot Permanent Dominion Energy Easement  
February 08, 2019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100-acre lots 425 and 433 and is further bounded and described as follows:

Beginning at drill hole found in a stone located on the centerline of Sophia Ave. 40' wide & at prolongation of the Westerly Right of Way of Woodhill Road (East 93rd) 80' wide;

Thence South 21°05'53" West along the prolongation of the Easterly Right-of-Way line of said Woodhill Road a distance of 21.52 feet and the principal point of beginning;

- Course 1 Thence South 21°05'53" West, along the Right of Way of said Woodhill Road, a distance of 98.31 feet;
- Course 2 Thence South 21°02'12" West, continuing along said Woodhill Road Right of Way to a point on the southerly line of the property conveyed to The City of Cleveland by AFN# 201211280370, a distance of 772.20 feet;
- Course 3 Thence South 89°44'42" West, along said northerly property line, a distance of 5.37 feet;
- Course 4 Thence North 21°02'12" East, a distance of 774.15 feet;
- Course 5 Thence North 21°05'53" East, a distance of 96.33 feet to a point on the southerly Right of Way of said Sophia Ave.;
- Course 6 Thence North 89°25'32" East along the Right of Way of said Sophia Ave, a distance of 5.38 feet to the principle place of beginning and containing 0.0999 acre (4,352.47 square feet) of land, according to a surveyed by Steven J. Metcalf, Registered Surveyor No. 8622-Ohio of Neff & Associates, dated February 22, 2019.

Be the same more or less, but subject to all legal highways and easements of record.

**Section 2.** That, by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interest to Dominion subject to any conditions stated in this ordinance. The consideration to be paid for this property shall not exceed the appraised value of \$2,400, which is determined to be fair market value.

**Section 3.** That the easement shall be exclusive, and the purpose of the easement shall be to replace the natural gas pipeline along the area.

**Section 4.** That the duration of the easement shall be perpetual; that the easement shall not be assignable without the consent of the Director of Public Works; that the easement shall require that Dominion provide reasonable insurance, maintain any Dominion improvements located within the easement; pay any applicable taxes and assessments; and shall contain such other terms and conditions that the Director of Law determines to be necessary to protect and benefit the City.

**Section 5.** That the conveyance referenced above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. 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 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.

**Passed June 3, 2019.**

**Effective June 5, 2019.**