

LEGISLATIVE SUMMARY
Mayor's Office of Capital Projects
Division of Engineering and Construction

**The repeal of Ordinance 975-2019 passed October 14th, 2019 vacating
a portion of East 103rd Street**

Ordinance No: 1014-2022

Description: Emergency Ordinance repealing Ordinance 975-2019 passed October 14th, 2019 vacating a portion of East 103rd Street.

Purpose: FMCFP LLC (the "Developer"), an affiliate of Fairmount Properties LLC, which is the developer of the project located on Cedar Avenue between East 105th Street and East 103rd Street, consisting of a Meijer grocery store with multi-family above (the "Project"). This request is based on the fact that the Meijer grocery store and residents of the project will use all of East 103rd Street for access and deliveries.

A consent form acknowledging approval of this request has been signed from the Council Member.

Ward: Ward 6, Council President-Blaine A. Griffin

CONSENT TO INTRODUCE LEGISLATION
BY REQUEST

I hereby consent to introduction of legislation in my name by request for the following:

An Emergency Ordinance

Declaring the intent to repeal Ordinance 975-2019 passed October 14th, 2019 vacating a portion of East 103rd Street

Dated:

The Honorable Blaine A. Griffin
Council President – Ward 6

doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

WEDNESDAY, NOVEMBER 13, 2019

File No. 144-19 — Adjustable Valves Boxes and Appurtenances, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976. THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, OCTOBER 24, 2019 AT 10:00 A.M. DISTRIBUTION AND MAINTENANCE FACILITY, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105, PIPE REPAIR CONFERENCE ROOM.

NOTE: BID MUST BE DELIVERED TO THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

File No. 145-19 — Labor and Materials Necessary to Repair and Maintain Catch Basin Cleaning Truck (Re-Bid), for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976. THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, OCTOBER 29, 2019 AT 10:00 A.M. DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108, PIPE RED CONFERENCE ROOM.

NOTE: BID MUST BE DELIVERED TO THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

October 16, 2019 and October 23, 2019

THURSDAY, NOVEMBER 14, 2019

File No. 146-19 — Labor and Materials to Install, Repair, Replace or Maintain the Duct Line, Street Lighting Bases and Pull Boxes, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 377-19, passed by the Council of the City of Cleveland, April 15, 2019.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, MONDAY, OCTOBER 28, 2019 AT 10:00 A.M. CLEVELAND PUBLIC

POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, CENTENNIAL ROOM.

NOTE: BID MUST BE DELIVERED TO THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

October 16, 2019 and October 23, 2019

WEDNESDAY, NOVEMBER 20, 2019

File No. 147-19 — Gunning Recreation Center Roof & MEP, for the Division of Architecture and Site Development, Office of Capital Projects, Ordinance to be announced.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR MONEY ORDER (NO COMPANY CHECKS, NO CASH, AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS. ALL PLANS AND SPECIFICATIONS MUST BE PURCHASED DIRECTLY FROM THE DIVISION OF PURCHASES AND SUPPLIES. BIDDERS MUST BE ON THE PLAN-HOLDERS LIST TO SUBMIT A BID OR RECEIVE ANY ADDENDA.) OUT-OF-AREA BIDDERS MAY SEND THEIR **NON-REFUNDABLE FEE** FOR PLANS VIA FED EX DELIVERY TO: CITY OF CLEVELAND, DIVISION OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE ROOM 128, CLEVELAND, OHIO 44114. INCLUDE IN YOUR REQUEST YOUR COMPANY'S FED EX ACCOUNT NUMBER, FULL COMPANY NAME AND ADDRESS, COMPANY CONTACT/REPRESENTATIVE FULL NAME, CONTACT TELEPHONE NUMBER, FACSIMILE TELEPHONE NUMBER AND EMAIL ADDRESS. THE FED EX DELIVERY CHARGES FOR THE PLANS AND SPECIFICATIONS WILL BE BILLED TO THE BIDDER'S COMPANY FED EX ACCOUNT NUMBER PROVIDED.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, NOVEMBER 5, 2019 AT 11:00 A.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, ROOM 517A.

QUESTIONS REGARDING THE PURCHASE OF PLANS AND SPECIFICATIONS CAN BE DIRECTED TO ROYCE GRIFFIN AT (216) 664-2628.

NOTE: BID MUST BE DELIVERED TO THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

October 23, 2019 and October 30, 2019

ADOPTED RESOLUTIONS AND ORDINANCES

Ord. No. 975-2019.

By Council Members Griffin, Johnson, Brancatelli and Kelley (by departmental request).

An emergency ordinance to vacate a portion of East 103rd Street.

Whereas, under Resolution No. 1236-18, adopted November 26, 2018, this Council declared its intention to vacate a portion of East 103rd Street; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on July 16, 2019, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 this Council declares that the following described real property is vacated:

A PORTION OF EAST 103rd STREET

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of the Original 100 Acre Lot No. 409 and further bounded and described as follows:

Beginning at 1" iron pin found in a monument box at the intersection of the centerline of East 105th Street (formerly Doan Street) (formerly 50 feet wide) (width varies) and the extension of the southerly right of way of Cedar Avenue (66 feet wide);

Thence North 87°01'52" West along said southerly right of way of Cedar Avenue, 25.05 feet to a 5/8" iron pin set on the westerly right of way of East 105th Street, also being the northeasterly corner of proposed State of Ohio Parcel 1062- WD;

Thence North 87°01'52" West continuing along said southerly right of way of Cedar Avenue, 246.77 feet to the easterly right of way of East 103rd Street (formerly Halsey Street) (40 feet wide) and being the Principal Place of Beginning of the premises herein described;

Thence South 01°41'28" East along said easterly right of way of East 103rd Street, 140.46 feet to a 5/8" iron pin set on the northerly line of Sublot No. 79 in W.H. Doans Subdivision as shown by the plat recorded in Volume 12, Page 32 of Cuyahoga County Map Records;

Thence North 87°01'52" West along the extension of said northerly line of Sublot No. 79, 40.14 feet to a drill hole found (0.06 feet south, 0.07 feet east) at the westerly line of East 103rd Street;

Thence North 01°41'28" West along said westerly right of way of

East 103rd Street, 140.46 feet the southerly right of way of Cedar Avenue;

Thence South 87°01'52" East along the southerly right of way of Cedar Avenue, passing through a 1" iron pin found in a monument box at on the centerline of East 103rd Street at 20.07 feet, 40.14 feet to the easterly right of way of East 103rd Street and the Principal Place of Beginning and containing 0.1290 acres of land, as described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in April 2019, subject to all legal highways, restrictions, reservations and easements of record.

Basis of Bearing:

The centerline of East 105th Street as North 00°44'23" West in the East 105th Street Centerline Plat as shown on the plat recorded in Volume 376, Pages 30-33 of Cuyahoga County Map Records.

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for Division of Fire, ATT, Dominion, Cleveland Water, CEI and Water Pollution Control.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Division of Fire and the City of Cleveland, ATT, Dominion, Cleveland Water, CEI and Water Pollution Control.

Section 3. That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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.

Passed October 14, 2019.

Effective October 15, 2019.

Ord. No. 995-2019.

By Council Members 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 Northeast Ohio Regional Sewer District certain easement rights in property owned by the City within Rockefeller Park along East Boulevard between Ashbury Avenue and Superior Avenue needed for the NEORS's Doan Valley Relief / Consolidation Sewer Project; and declaring that the easement rights granted are 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 in property located across portions of land owned by the City within Rockefeller Park along East Boulevard between Ashbury Avenue and Superior Avenue needed for the NEORS's Doan Valley Relief / Consolidation Sewer Project; 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, Permanent Parcel No. 107-01-001, is not needed for the City's public use:

Permanent Easement

DVRCS - POI 0.4597 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original One Hundred Acre Lot No. 385. Also being part of the land conveyed to City of Cleveland as recorded in Volume 575, Page 540, Volume 575, Page 542, Volume 575, Page 545 and Volume 575, Page 547 of the Cuyahoga County Records, being more definitely described as follows; Commencing at a drill in a stone in a monument box found at the intersection of the centerline of East 105th Street (60 feet wide) and the centerline of Ashbury Avenue (60 feet wide);

Thence, along the centerline of Ashbury Avenue, North 65° 38' 37" West, 362.96 feet to the easterly line of said land conveyed to the City of Cleveland;

Thence, along said easterly line, along the arc of a curve which deflects to the right, 13.38 feet to the True Point of Beginning for the easement herein described, said curve having a radius of 903.97 feet, a central angle of 00° 50' 54", and a chord of 13.38 feet which bears South 10° 57' 47" West;

Thence, continuing along said easterly line, along the arc of a curve which deflects to the right, 20.49 feet, said curve having a radius of 903.97 feet, a central angle of 01° 17' 55", and a chord of 20.49 feet which bears South 12° 02' 12" West;

Thence, leaving said easterly line, North 65° 24' 32" West, 67.38 feet;

Thence, North 03° 36' 44" East, 227.98 feet;

Thence, North 10° 44' 18" West, 188.67 feet;

Thence, North 22° 28' 38" West, 315.60 feet;

Thence, North 32° 51' 52" West, 181.57 feet;

Thence, North 40° 37' 07" East, 46.44 feet to the easterly line of said land conveyed to the City of Cleveland;

Thence, along said easterly line, along the arc of a curve which deflects to the right, 20.36 feet, said

curve having a radius of 1542.25 feet, a central angle of 00° 45' 23", and a chord of 20.36 feet which bears South 38° 36' 15" East;

Thence, leaving said easterly line, South 40° 37' 07" West, 27.70 feet;

Thence, South 32° 51' 52" East, 168.46 feet;

Thence, South 22° 28' 38" East, 319.47 feet;

Thence, South 10° 44' 18" East, 193.24 feet;

Thence, South 03° 36' 44" West, 216.75 feet;

Thence, South 65° 24' 32" East, 49.17 feet to the point of beginning.

Containing within said bounds 0.4597 acre (20,025 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in May 2017.

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

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 NEORS at a price of \$14,396 and other valuable consideration, which is determined to be fair market value. Ordinance No. 263-18, passed June 4, 2018 authorized future easements valued at \$29,064 to be granted to NEORS at no cost as part of the compensation for the Charles Van Duzer property. After the passage of Ordinance Nos. 329-19 and 330-19 which granted easements to NEORS at other locations, the remaining credit due to NEORS is \$2,524. The easement authorized in this ordinance is valued at \$16,920. Subtracting the credit amount of \$2,524, the amount due the City from NEORS for the easement authorized in this ordinance is \$14,396.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to provide NEORS access to and for future maintenance on its Doan Valley Relief / Consolidation Sewer Project site.

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 NEORS provide reasonable insurance, maintain any NEORS 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 effect 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



VACATION PLAT OF A PORTION OF EAST 103rd STREET
CITY OF CLEVELAND, COUNTY OF CUYAHOGA, STATE OF OHIO

NEFF
ASSOCIATES

SHEET NO.
1 OF 1

THE INTENT OF THIS PLAT IS TO SHOW HOW THE VACATED RIGHT OF WAY IS DISPOSED OF.
Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Neaburg Township Lot No. 405.

VACATION PLAT OF
PART OF EAST 103rd
STREET
(40 FEET WIDE)

APPROVALS
CITY COUNCIL

The vacated area shown herein is vacated by ORDINANCE No. 105-2019 passed by the Council of the City of Cleveland on the 14 day of October, 2019.

PLANNING COMMISSIONER
Richard Swartz, Planning Commissioner

This Vacation Plat is made in accordance with the provisions of ORDINANCE No. 575-2019 passed by the Council of the City of Cleveland on the 14 day of October, 2019.

Richard Swartz, Planning Commissioner

This Vacation Plat is subject to Section 553.043 of the Ohio Revised Code which may affect railroad or public utility and is deemed to have a permanent easement in the vacated portion of the road.

SURVEY CREATION

This plat was prepared in accordance with and satisfy the minimum standards for boundary surveys in the State of Ohio, as codified in Chapter 4733-01 of the Ohio Administrative Code in effect at the time.
Distances shown hereon are given in feet and inches and are based on the State Plane Coordinate System, North Zone (NAD83) and is used to denote angles only.
I hereby state to the best of my professional knowledge, information and belief, all to be correct.

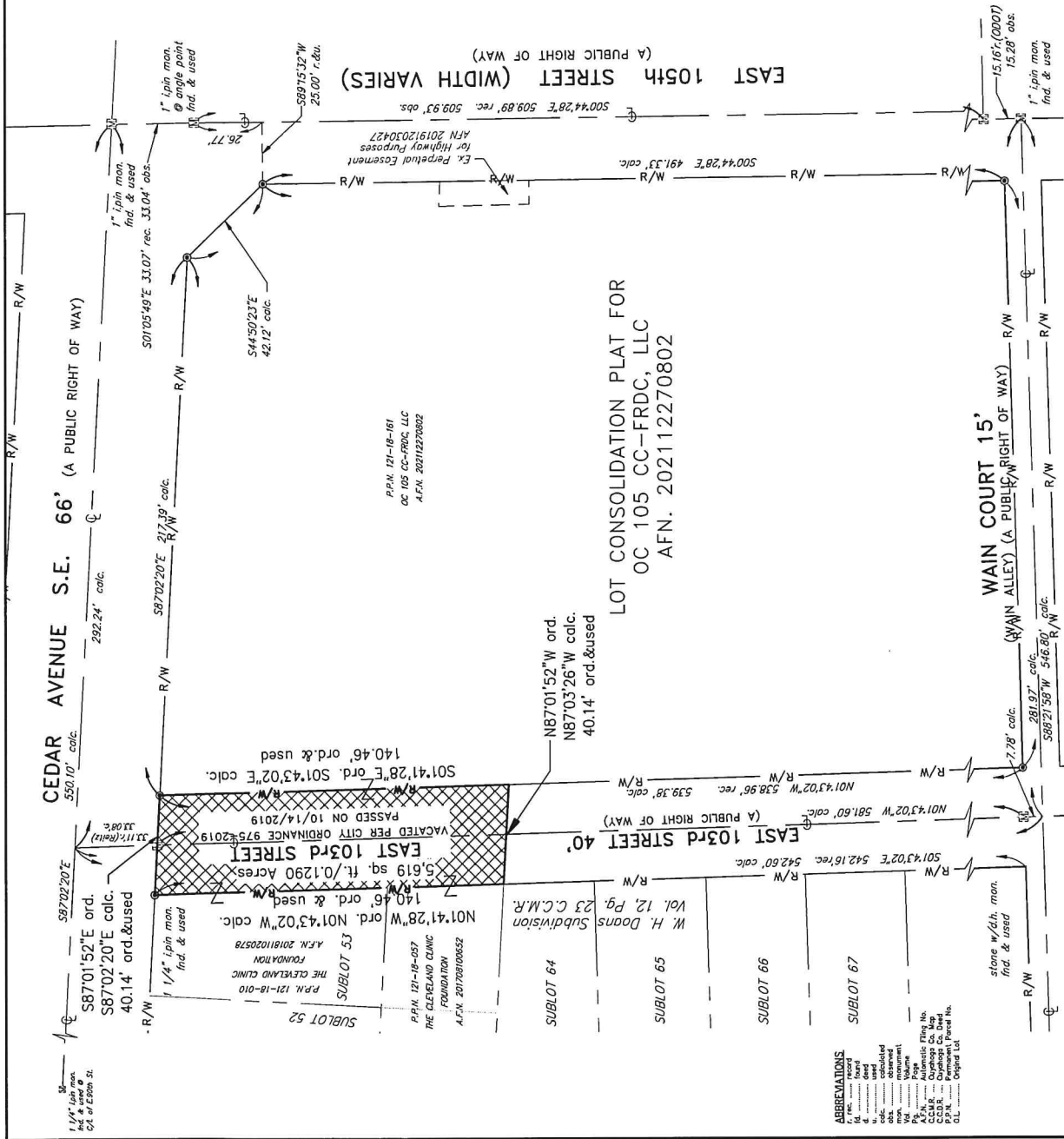


NOTE

That there is reserved to the City of Cleveland an easement of the full width as described in this plat for Division of Fire, A.T. Dominion, Cleveland Water, CO and that no structures shall be erected on the premises described in this easement except those specifically shown on this plat. This easement shall be subject to the approval by Division of Fire and the City of Cleveland, A.T. Dominion, Cleveland Water, CO and Water Pollution Control.

LEGEND:

○	Iron Pin or Pipe found as described
□	Survey monument found as described
●	5/8" x 30" Iron Pin w/ Cop
○	Found N.E.T. & Assoc.-8822
○	Set or to be set



REFERENCE INFORMATION:
W.H. DOONS SUBMISSION, VOLUME 12, PAGE 23, C.C.M.R.
CONSOLIDATION PLAT FOR THE CLEVELAND CLINIC FOUNDATION
EAST 103rd STREET CENTERLINE PLAT VOLUME 316, PAGE 30-31, C.C.M.R.
CONSOLIDATION PLAT FOR THE CLEVELAND CLINIC FOUNDATION
CONSOLIDATION PLAT FOR THE CLEVELAND CLINIC FOUNDATION
VOLUME 322, PAGE 31, C.C.M.R.

ABBREVIATIONS

A	As shown
B	Block
C	Centerline
D	Distance
E	Easement
F	Found
G	Grade
H	Horizontal
I	Iron
J	Joint
K	Keystone
L	Lot
M	Monument
N	North
O	Original
P	Point
Q	Quadrant
R	Right of Way
S	Section
T	Township
U	Utility
V	Vacation
W	Width
X	Extension
Y	Year
Z	Zone



August 11, 2022

James DeRosa
Director of Mayor's Office of Capital Projects
City of Cleveland
601 Lakeside Avenue, Room 518
Cleveland, Ohio 44114

Re: Vacation of East 103rd Street

Dear Director DeRosa:

This letter is written on behalf of FMCFP LLC (the "Developer"), an affiliate of Fairmount Properties LLC, which is the developer of the project located on Cedar Avenue between East 105th Street and East 103rd Street, consisting of a Meijer grocery store with multi-family above (the "Project"). It is our understanding that Ordinance 975-2019 was passed by the City of Cleveland approving the vacation of a portion of East 103rd Street adjacent to the Project but that a Vacation Plat was not recorded. We hereby request that the City of Cleveland introduce legislation in order to repeal Ordinance 975-2019. This request is based on the fact that the Meijer grocery store and residents of the Project will use all of East 103rd Street for access and deliveries.

Please contact me with questions or concerns.

Best Regards,

Rebecca S. Molyneaux
General Counsel



Mayor's Office of Capital Projects

Date: September 20, 2022

To: Mark D. Griffin, Chief Legal Counsel
Department of Law

From: James D. DeRosa, Director
Mayor's Office of Capital Projects

Re: Request for Legislation

We are requesting Legislation be prepared for Introduction as described below. An electronic draft copy will be emailed to your Department to facilitate the processing of this request, along with a copy of the Councilperson's consent slip.

Emergency Ordinance repealing Ordinance 975-2019 passed October 14th, 2019 vacating a portion of East 103rd Street.

This request is being made on behalf of FMCFP LLC (the "Developer"), an affiliate of Fairmount Properties LLC, which is the developer of the project located on Cedar Avenue between East 105th Street and East 103rd Street, consisting of a Meijer grocery store with multi-family above (the "Project"). This request is based on the fact that the Meijer grocery store and residents of the project will use all of East 103rd Street for access and deliveries. Thank you.

If you have any questions please contact Eric B. Westfall, P.S., Survey Department 664-3780.

Thank you.

JD/ebw

Cc: Ryan Puente, Chief Government Affairs Officer
Elise Hara Auvil, Chief Administrative Officer
Bradford J. Davy, Chief Strategy Officer
Bonita G. Teeuwen, Chief Operating Officer
Richard Switalski, Administration Bureau Manager, Division of Engineering & Const.
Eric Westfall, Plans and Surveys Section
Meredith Carey, Legislative Liaison
Nancy Lanzola, Department of Law