

Ordinance No. 377-2020

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to execute deeds of easement granting to The East Ohio Gas Company dba Dominion Energy Ohio certain easement rights in property located in Rockefeller Park along East Boulevard near East 105th Street; and declaring that the easement rights granted are not needed for public use.

WHEREAS, The East Ohio Gas Company dba Dominion Energy Ohio (“Dominion”) is requesting three permanent easements along East Boulevard in Rockefeller Park to implement an improvement under its Pipeline Infrastructure Replacement Program; 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 easement interests in the following described properties are not needed for the City’s public use:

Utility Easement “1”

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 393.

Starting at the intersection of the centerlines of Wade Park Avenue, 70.00 feet wide, and East 105th Street, 60.00 feet wide, thence South 01 ° 07' 02" East along said centerline of East 105th Street, 613.09 feet, thence South 90°00'00" West, 420.35 feet to a point of curvature on the easterly line of land conveyed to the city of Cleveland in deed dated September 18, 2002 and recorded by AFN: 200209180224 of Cuyahoga County Deed Records, said point also being the Principal Place of Beginning of the easement herein intended to be described;

thence South 90°00'00" West, 72.36 feet;
thence North 07°28'51" West, 20.17 feet;
thence North 90°00'00" East, 72.03 feet to a point in said easterly line of land so conveyed;
thence southeasterly along said easterly line of land so conveyed by a curve to the left, an arc distance of 20.22 feet, said arc having a radius of 368.59 feet, a central angle of 3° 08' 35", and a chord which bears South 08° 23' 22" East, 20.22 feet to the Principal Place of Beginning and containing 1,442.02 square feet (0.0331 acres) of land as described on February 25, 2020 by R.M. Kole & Assoc., Corp., Professional Land Surveyors.

Ordinance No. 377-2020

Utility Easement “2”

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 393.

Starting at the intersection of the centerlines of Wade Park Avenue, 70.00 feet wide, and East 105th Street, 60.00 feet wide, thence South 01° 07' 02" East along said centerline of East 105th Street, 963.83 feet, thence South 88° 52' 58" West, 192.95 feet to the Principal Place of Beginning of the easement herein intended to be described;

thence South 88°52'58" West, 49.60 feet;
thence North 63°22'34" West, 25.45 feet;
thence North 26°37'26" East, 20.00 feet;
thence South 63°22'34" East, 25.45 feet;
thence South 83°25'34" East, 13.45 feet;
thence South 60°35'34" East, 31.31 feet to the Principal Place of Beginning and containing 1,029.71 square feet (0.0236 acres) of land as described on February 25, 2020 by R.M. Kole & Assoc., Corp., Professional Land Surveyors.

File No. 12027-2

Utility Easement “3”

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 393.

Starting at the intersection of the centerlines of Wade Park Avenue, 70.00 feet wide, and East 105th Street, 60.00 feet wide, thence South 01°07'02" East along said centerline of East 105th Street, 1030.00 feet, thence South 90°00'00" West, 30.01 feet to a point in the westerly line of said East 105th Street, said point also being the Principal Place of Beginning of the easement herein intended to be described;

thence South 90°00'00" West, 18.39 feet;
thence North 60°35'34" West, 107.94 feet;
thence North 30°07'56" East, 20.00 feet;
thence South 60°35'34" East, 102.44 feet;
thence North 90°00'00" East, 12.75 feet to a point in said westerly line of East 105th Street;
thence South 01°07'02" East along said westerly line of East 105th Street, 20.00 feet; to the Principal Place of Beginning and containing 2,415.12 square feet (0.0554 acres) of land as described on February 25, 2020 by R.M. Kole & Assoc., Corp., Professional Land Surveyors.

File No. 12027-3

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 interests to Dominion subject to any conditions stated in this ordinance. The consideration to be paid for the properties shall not exceed fair market value as determined by the Board of Control.

Ordinance No. 377-2020

Section 3. That the easements shall be non-exclusive and the purpose of the easements shall be to allow Dominion to relocate the existing natural gas pipelines under East 105th Street to run along East Boulevard within Rockefeller Park at several locations, under their Pipeline Infrastructure Replacement program.

Section 4. That the duration of the easements shall be perpetual; that the easements shall not be assignable without the consent of the Director of Public Works; that the easements shall require that Dominion provide reasonable insurance or self-insurance; maintain any Dominion improvements located within the easements; 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 conveyances referenced above shall be made by official deeds 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 rights 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 approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

LW:nl
3-23-20

FOR: Director Cox

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READ FIRST TIME on MARCH 23, 2020
and referred to **DIRECTORS** of Public Works,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties;
Development Planning and Sustainability, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **107** Page _____

Published in the City Record _____

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

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

