

# Ordinance No. 996-2019

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

## AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to execute deeds of easement granting to West Creek Conservancy certain easement rights in property located from the Morgana Run Trail to the Morgana Bluffs Nature Preserve and Learning Center, and declaring that the easement rights granted are not needed for the City's public use.

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WHEREAS, West Creek Conservancy has requested the Director of Public Works to convey certain easement rights in property located from the Morgana Run Trail to the Morgana Bluffs Nature Preserve and Learning Center; and

WHEREAS, West Creek Conservancy requires an easement to install ADA accessible connections from the Morgana Run Trail to the Morgana Bluffs Nature Preserve and Learning Center; 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. 131-24-004, is not needed for the City's public use:

### **ADA EASEMENT No. 1 2,884 S.F.**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Newburgh Township Lot No. 321, also being part of Parcel 2 as conveyed to the City of Cleveland as recorded in AFN 200502010335 of the Cuyahoga County Recorder records, and being more fully described as follows:

Commencing at a point at the southeasterly corner of the aforementioned Parcel 2, said point also being on the westerly right of way line of Ackley Road (60 feet wide);

Thence, along the southerly line of Parcel 2, 164.16 feet along a curve to the right, having a radius of 1478.00 feet, a central angle of 06° 21'50", and a chord which bears N 68°40'09" W, 164.08 feet, to a point of tangency; thence N 65°29'14" W, 149.53 feet, continuing along the southerly line of Parcel 2, to the **TRUE POINT OF BEGINNING** for the following easement herein described:

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Thence N 65° 29' 14" W, 22.97 feet, continuing along the southerly line of Parcel 2, to a point; Thence N 17° 29' 58" W, 5.20 feet, to a point;

Thence N 52° 16 '01" W, 136.98 feet, to a point;

Thence N 20° 04' 09" W, 16.92 feet, to a point;

Thence S 67° 39' 32" E, 34.05 feet, to a point;

Thence S 52° 18' 02" E, 125.09 feet, to a point;

Thence S 24° 03' 56" E, 10.14 feet, to a point;

Thence S 07° 22' 19" E, 15.65 feet, to the point of beginning and containing and containing 2,884 square feet of land, more or less.

## **ADA EASEMENT No. 2 1,209 S.F.**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Newburgh Township Lot No. 321, also being part of Parcel 2 as conveyed to the City of Cleveland as recorded in AFN 200502010335 of the Cuyahoga County Recorder records, and being more fully described as follows:

Commencing at a point at the southeasterly corner of the aforementioned Parcel 2, said point also being on the westerly right of way line of Ackley Road (60 feet wide);

Thence, along the southerly line of Parcel 2, 164.16 feet along a curve to the right, having a radius of 1478.00 feet, a central angle of 06° 21' 50", and a chord which bears N 68° 40' 09" W, 164.08 feet, to a point of tangency;

Thence N 65° 29' 14" W, 352.63 feet, continuing along the southerly line of Parcel 2, to a point of curvature;

Thence, continuing along the southerly line of Parcel 2, 293.17 feet along a curve to the left, having a radius of 910.00 feet, a central angle of 18° 29' 34", and a chord which bears N 74° 44' 09" W, 292.38 feet, to the **TRUE POINT OF BEGINNING** for the following easement herein described: thence, continuing along the southerly line of Parcel 2, 30.61 feet along a curve to the left, having a radius of 910.00 feet, a central angle of 01° 55' 37", and a chord which bears N 84° 56' 38" W, 30.61 feet, to a point;

Thence N 49° 40' 47" W, 14.62 feet, to a point;

Thence N 68° 10' 22" W, 31.30 feet, to a point;

Thence N 38° 25 '20" W, 24.70 feet, to a point;

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Thence S 86° 34' 42" E, 21.37 feet, to a point;

Thence S 39° 32' 59" E, 5.29 feet, to a point;

Thence S 66° 27' 51" E, 33.68 feet, to a point;

Thence S 51° 22' 07" E, 39.00 feet, to the point of beginning and containing and containing 1,209 square feet of land, more or less.

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 West Creek Conservancy subject to any conditions stated in this ordinance. The consideration to be paid for this property shall not exceed \$1.00, and other valuable consideration, determined to be fair market value.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to install ADA accessible connections from the Morgana Run Trail to the Morgana Bluffs Nature Preserve and Learning Center.

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 West Creek Conservancy provide reasonable insurance, maintain any West Creek Conservancy 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

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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 approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

GK:nl  
8-21-19

FOR: Director Cox

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**REPORT**  
after second Reading

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**READ FIRST TIME on AUGUST 21, 2019** **REPORTS**  
and referred to **DIRECTORS** of Public Works City Planning Commission, Finance, Law;  
**COMMITTEES** on Municipal Services and Properties, Development Planning and Sustainability, Finance

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CITY CLERK

by the council     READ SECOND TIME    

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CITY CLERK

by the council     READ THIRD TIME    

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PRESIDENT

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CITY CLERK

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APPROVED

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MAYOR

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