

Ordinance No. 706-2023

By Council Members Kazy and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Utilities to execute a deed of sidewalk easement and a deed of temporary construction easement granting to the City of Brecksville certain easement rights in property needed for its Oakes Road Sidewalk Improvement Project at the City’s Blossom Hill Water Towers property; and declaring the easement rights not needed for the City’s public use.

WHEREAS, the City of Brecksville (“Brecksville”) has requested the Director of Public Utilities to convey certain sidewalk easement rights and temporary construction easement rights in property needed for its Oakes Road Sidewalk Improvement Project at the City’s Blossom Hill Water Towers property (the “Property”); 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 sidewalk easement interest located over a portion of Permanent Parcel No. 603-09-003 is not needed for the City’s public use, is depicted in the map placed in **File No. 706-2023-A** and is further described as follows:

Permanent Sidewalk Easement Area
City of Cleveland – Blossom Hill Farm P.P.N. 603-09-003 DGB 3810-85-TRL

LEGAL DESCRIPTION

Situated in the City of Brecksville, County of Cuyahoga, and State of Ohio, and known as being part of Parcel “C” in a Map of Lot Split and Consolidation for City of Cleveland of part of Original Brecksville Township Lot No. 41, recorded in Volume 342, Page 95 of Cuyahoga County Map Records, and bounded and described as follows:

Beginning at a point in the centerline line of Oakes Road, 60 feet wide, being also the northerly line of said Original Lot No. 41, at its intersection with the easterly line of Parcel “A” in a Lot Split Survey recorded as A.F.N. 202005290162 of Cuyahoga County Records;

Thence South 00 degrees 31 minutes 40 seconds East along the easterly line of said Parcel “A”, 30.00 feet to a point in the southerly line of Oakes Road;

Thence South 89 degrees 58 minutes 20 seconds East along the southerly line of Oakes Road, 214.50 feet to a point at its intersection with the easterly line parcel of land conveyed to Andrew Sickle by deed recorded as A.F.N. 201904030529 of Cuyahoga County Records, and the principal place of beginning of the easement herein described;

Thence South 89 degrees 58 minutes 20 seconds East along the southerly line of Oakes Road, 333.21 feet to a point at its intersection with the easterly line of said Parcel “C”;

Thence South 00 degrees 07 minutes 57 seconds West along the easterly line of said Parcel “C”, 10.00 feet to a point;

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Thence North 89 degrees 58 minutes 20 seconds West, being parallel to the southerly line of Oakes Road and distant 10.00 feet therefrom by rectangular measurement, 333.27 feet to a point in the easterly line of said land conveyed to Andrew Sickle;

Thence North 00 degrees 31 minutes 40 seconds West, along the easterly line of said land conveyed to Andrew Sickle, 10.00 feet to the principal place of beginning as described by Donald G. Bohning & Associates, Inc. in January, 2023;

The courses used in this description are referenced to an assumed meridian and are used to indicate angles only.

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 a temporary construction easement interest located over a portion of Permanent Parcel No. 603-09-003 is not needed for the City's public use, is depicted in the above-mentioned file, and is further described as follows:

Temporary Grading & Access Easement Area
City of Cleveland – Blossom Hill Farm P.P.N. 603-09-003 DGB 3810-85-TRL

LEGAL DESCRIPTION

Situated in the City of Brecksville, County of Cuyahoga, and State of Ohio, and known as being part of Parcel "C" in a Map of Lot Split and Consolidation for City of Cleveland of part of Original Brecksville Township Lot No. 41, recorded in Volume 342, Page 95 of Cuyahoga County Map Records, and bounded and described as follows:

Beginning at a point in the centerline line of Oakes Road, 60 feet wide, being also the northerly line of said Original Lot No. 41, at its intersection with the easterly line of Parcel "A" in a Lot Split Survey recorded as A.F.N. 202005290162 of Cuyahoga County Records;

Thence South 00 degrees 31 minutes 40 seconds East along the easterly line of said Parcel "A", 30.00 feet to a point in the southerly line of Oakes Road;

Thence South 89 degrees 58 minutes 20 seconds East along the southerly line of Oakes Road, 214.50 feet to a point at its intersection with the easterly line parcel of land conveyed to Andrew Sickle by deed recorded as A.F.N. 201904030529 of Cuyahoga County Records;

Thence South 00 degrees 31 minutes 40 seconds East, along the easterly line of said land conveyed to Andrew Sickle, 10.00 feet and the principal place of beginning of the easement herein described;

Thence South 89 degrees 58 minutes 20 seconds East, 333.27 feet to a point in the easterly line of said Parcel "C";

Thence South 00 degrees 07 minutes 57 seconds East along the easterly line of said Parcel "C", 10.00 feet to a point;

Thence North 89 degrees 58 minutes 20 seconds West, being parallel to the southerly line of Oakes Road and distant 10.00 feet therefrom by rectangular measurement, 333.36 feet to a point in the easterly line of said land conveyed to Andrew Sickle;

Thence North 00 degrees 31 minutes 40 seconds West, along the easterly line of said land conveyed to Andrew Sickle, 10.00 feet to the principal place of beginning as described by Donald G. Bohning & Associates, Inc. in January, 2023;

The courses used in this description are referenced to an assumed meridian and are used to indicate angles only.

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Section 3. That, by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey to Brecksville the non-exclusive permanent sidewalk easement interest and the non-exclusive temporary construction easement interest as described above in Sections 1 and 2 at a price of \$1.00 and other valuable consideration, which is determined to be fair market value.

Section 4. That the purpose of the easements shall be for Brecksville to construct its Oakes Road Sidewalk Improvement Project at the Property and at no cost to the City.

Section 5. That the duration of the permanent sidewalk easement shall be perpetual; that the duration of the temporary construction easement shall be until the Oakes Road Sidewalk Improvement Project at the Property is completed; that these easements may include reasonable right of entry rights to the City; that these easements shall not be assignable without the written consent of the Director of Public Utilities; and that these easements shall require that Brecksville 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 deed of temporary easement prepared by the Director of Law and executed by the Director of Public Utilities on behalf of the City of Cleveland. The deed of easement and the deed of temporary easement shall contain any additional terms and conditions as are required to protect the interest of the City within the bounds of the easement. The Directors of Public Utilities 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 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.

KP:nl
6-5-2023
FOR: Director Keane

By Council Members Kazy and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Utilities to execute a deed of sidewalk easement and a deed of temporary construction easement granting to the City of Brecksville certain easement rights in property needed for its Oakes Road Sidewalk Improvement Project at the City’s Blossom Hill Water Towers property; and declaring the easement rights not needed for the City’s public use.

READ FIRST TIME on JUNE 5, 2023
and referred to DIRECTORS of Public Utilities, Finance, Law;
COMMITTEES on Utilities, Finance Diversity Equity and Inclusion

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

**PASSAGE RECOMMENDED BY
COMMITTEE ON
UTILITIES**

FILED WITH COMMITTEE

**PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE, DIVERSITY, EQUITY
and INCLUSION**

FILED WITH COMMITTEE
