

Ordinance No. 1358-2023

By Council Members McCormack and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Port Control to execute a deed of easement granting to The East Ohio Gas Company dba Dominion Energy Ohio certain easement rights in property located at Cleveland Hopkins International Airport, 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 Port Control to convey certain easement rights in property located at Cleveland Hopkins International Airport; and

WHEREAS, Dominion requires an easement to install pipelines for the distribution of natural gas, including, in and across the premises which are being ground leased to the Sherwin-Williams Company on West Hangar Road; 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 is not needed for the City's public use:

Dominion Energy Easement
Cleveland Hopkins International
Airport West Hangar Road

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and located within parcel 029-32-010 owned by the City of Cleveland and being described as follows:

BEGINNING on a common line of said parcel 029-32-010 and parcel 341-39-002 owned by the United States of America, said common line also being the corporation line between the City of Cleveland and the City of Brookpark. Said **BEGINNING** being located **South 41°37'12" West** a distance of **986.27 feet** from Cleveland Hopkins International Control Monument 35 as shown on the City of Cleveland Department of Port Control Cleveland Hopkins International Airport Survey Control plan prepared by KS Associates, Inc having a revision 10 date of 2/08.

Thence across parcel 029-32-010 the following 8 courses and distance;

- 1) **South 52°27'31" East** a distance of **64.37 feet**;
- 2) **South 37°24'41" West** a distance of **20.00 feet**;
- 3) **North 52°27'31" West** a distance of **44.38 feet**;
- 4) **South 37°26'09" West** parallel with and 20.00 feet distant from, by normal measurement, the corporation line between the City of Cleveland and the City of Brookpark a distance of **1496.97 feet**;
- 5) **South 52°32'35" East** a distance of **24.25 feet**;
- 6) **South 37°27'25" West** a distance of **20.00 feet**;
- 7) **North 52°32'35" West** a distance of **44.24 feet** to the corporation line between the City of Cleveland and the City of Brookpark;

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- 8) **North 37°26'09" East** along the corporation line between the City of Cleveland and the City of Brookpark a distance of **1537.00 feet** to the place of **BEGINNING** and containing 0.737 acres of land.

The bearings for this description is based on Grid North, of the Ohio State plane Coordinate System, North Zone, NAD83 (2011).

This description was prepared and reviewed by GPS Group under the supervision of Steven L. Mullaney, Professional Surveyor No. 7900 conducted for Dominion Energy, in September 2019.

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 be paid for the easement interest shall not be less than \$1.00, and other valuable consideration, which is 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 pipelines for the distribution of natural gas, including, in and across the premises which are being ground leased to the Sherwin-Williams Company on West Hangar Road, in order to provide natural gas for the newly constructed hangar located on West Hangar Road.

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 Port Control; that the easement shall require that Dominion maintain any 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 Port Control on behalf of the City of Cleveland. The Directors of Port Control 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 approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

JSM:nl
11-27-2023
FOR: Director Francis

