

# Ordinance No. 905-2023

By Council Members McCormack and Griffin (by departmental request)

**FOR PASSAGE**  
**August 16, 2023**

## AN EMERGENCY ORDINANCE

Authorizing the Director of Port Control to execute a deed of easement granting to The Cleveland Electric Illuminating Company 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 Cleveland Electric Illuminating Company ("CEI") has requested the Director of Port Control to convey certain easement rights in property located at Cleveland Hopkins International Airport and known as Permanent Parcel Nos. 029-32-009 and 029-32-010; and

WHEREAS, CEI requires an easement to install lines for the distribution of electric current, including communication facilities, in and across the premises, in order to provide electricity for the newly constructed hangar located 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:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio; being part of Original Middleburg Township Lot No. 5, Section No. 20, further described as Permanent Parcel Number 029-32-009 and 029-32-010 ("Premises").

The easement area, which is under and across the above-described premises, is described as follows:

A strip of land being twelve (12) feet wide, lying six (6) feet on each side of the centerline of electric facilities described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Parcel A in Cleveland Hopkins International Airport Consolidation Plat of part of Original Middleburg Township Lot No. 5, Section 20 as recorded in Volume 359, Page 73 of the Cuyahoga County Map Records

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and part of Parcel 1 in Plat of Partition of part of Original Middleburg Township Lot No. 5, Section 20 as recorded in AFN 202304120140 of the Cuyahoga County Map Records, being more definitely described as follows;

**Commencing** at a 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER" found at the most northerly corner of United States of America Lease No. 06-1-LNF-EO018 (unrecorded), said point bears South 37° 23' 24" West, 167.50 feet from the most northerly corner of said Parcel 1, said point also being on the east side of West Hanger Road (Private Road).

Thence, along the northwesterly line of said lease parcel and its southwesterly prolongation, South 37° 23' 24" West, 197.15 feet to the **True Point of Beginning** for the easement herein described;

Thence, South 52° 32' 45" East, 148.16 feet;

Thence, South 37° 27' 15" West, 12.00 feet;

Thence, North 52° 32' 45" West, 162.00

feet; Thence, North 37° 27' 15" East, 12.00

feet;

Thence, South 52° 32' 45" East, 13.84 feet to the point of beginning.

Containing within said bounds 0.0446 acres (1,944 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730.

Bearings are based on the 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 CEI subject to any conditions stated in this ordinance. The consideration be paid for the easement interest shall be \$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 lines for the distribution of electric current, including communication facilities, in and across the premises, in order to provide electricity for the newly constructed hangar located on West Hangar Road.

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Section 4. That the duration of the easement shall be perpetual but shall revert back to the City if abandoned; that the easement shall not be assignable without the consent of the Director of Port Control; that the easement shall require that CEI provide reasonable insurance, maintain any CEI 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.

JMcG:nl  
8-16-2023  
FOR: Director Francis

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REPORT  
after second Reading

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READ FIRST, SECOND AND THIRD TIME

READ FIRST TIME

REPORTS

referred to

CITY CLERK

APPROVED BY  
CITY PLANNING COMMISSION

READ SECOND TIME

Secretary

CITY CLERK

**READ THIRD TIME on AUGUST 16, 2023**

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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