

**Ordinance No. 759-2020**

**By Council Members:** Johnson 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 at Shaker Boulevard and Warrensville Center Road in the City of Shaker Heights; 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 a permanent easement at a property located at Shaker Boulevard and Warrensville Center Road in the City of Shaker Heights 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 the easement interest in the following described property is not needed for the City’s public use:

Situated in the City of Shaker Heights, County of Cuyahoga and State of Ohio and known as being a part of Original Warrensville Township Lots Nos. 34 and 35 as shown in Plat Volume 88, Page 31 of Cuyahoga County Map Records;

Starting at the intersection of the centerlines of Falmouth Road, 50.00 feet wide, and Warrensville Center Road, width Varies as appears by said Plat, thence North 03° 41' 50" East along said centerline of Warrensville Center Road, 453.46' feet, thence North 86° 15' 15" West, 170.69 feet to a point in the northerly line of Shaker Boulevard (north lane), 50.00 feet wide, said point also being the Principal Place of Beginning of the easement herein intended to be described;

thence continuing North 86° 15' 15" West along said northerly line of Shaker Boulevard (north lane), 20.00 feet;

thence North 03° 40' 14" East, 119.34 feet;

thence North 51 ° 52' 28" East, 97.44 feet;

thence North 09° 21' 52" East, 41.12 feet to a point of curvature in the southerly line of Shaker Boulevard, 50.00 feet wide;

thence northeasterly along said southerly line of Shaker Boulevard by a curve to the right, an arc distance of 18.67 feet, said arc having a radius of 206.05 feet, a central angle of 5° 11' 34", and a chord which bears North 87° 56' 28" East, 18.67 feet;

thence southeasterly along said southerly line of Shaker Boulevard by a curve to the right, an arc distance of 1.72 feet, said arc having a radius of 43.12 feet, a central angle of 2° 16' 54", and a chord which bears South 88° 19' 18" East, 1.72 feet;

thence South 09° 21' 52" West 52.83 feet;

thence South 51° 52' 28" West 96.28 feet;

thence South 03° 40' 14" West 110.42 feet to the Principal Place of Beginning and containing 5,174.27 square feet (0.1187 acres) of land as described on January 23th, 2019 by R.M. Kole & Assoc., Corp., Professional Land Surveyors.

**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 to be paid for the easement shall not exceed the appraised value of \$9,350.00.

**Section 3.** That the easement shall be non-exclusive, and the purpose of the easement shall be to allow Dominion to replace the existing natural gas pipeline along Warrensville Center Road with a new pipeline that will be installed on City property and under the Greater Cleveland Regional Transit Authority's rapid transit tracks at Shaker Boulevard, for their Pipeline Infrastructure Replacement program.

**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 Dominion provide reasonable insurance or self-insurance; maintain any Dominion 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 conveyances 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 are authorized to execute any other documents, including without limitation, contracts for rights of entry, as may be necessary to affect 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.

**Referred to the Directors of Public Works; Finance; and Law; Committees on Municipal Services and Properties; and Finance.**