

# Ordinance No. 897-2023

**By Council Members Bishop and Griffin  
(by departmental request)**

## AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to execute various deeds of permanent and temporary easements that will grant to the Ohio Department of Transportation certain easement rights to rehabilitate a culvert under Chagrin Boulevard at the Highland Park Golf Course and declaring the easement rights not needed for the City's public use.

WHEREAS, the Ohio Department of Transportation ("ODOT") has requested the Director of Public Works to convey certain easement rights needed for its rehabilitation of a culvert under Chagrin Boulevard north of the City of Cleveland's Highland Park Golf Course located in Highland Hills, Ohio; 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 permanent easement interests in the following described properties are not needed for the City's public use:

### **Permanent Highway Easement Parcel 02-SH**

Situated in the State of Ohio, County of Cuyahoga, Original Warrensville Township, Lot 57, Connecticut Western Reserve, Village of Highland Hills and being part of a tract conveyed to City of Cleveland by Deed Book 843, Page 421 of said county records and bounded and described as follows:

COMMENCING at the centerline intersection of State Route 422 (Chagrin Boulevard) and Stratton Road, being at S.R. 422 station 281+82.31, witness an iron pin (found), inside of a monument box, bearing South 00 degrees 36 minutes 56 seconds East, a distance of 0.47 feet;

Thence on the centerline of S.R. 422, South 89 degrees 37 minutes 15 seconds West, a distance of 246.39 feet to a point at station 279+35.92;

Thence South 00 degrees 22 minutes 45 seconds East, a distance of 33.00 feet to a 5/8 inch rebar (set), with cap stamped "GPD", on the south existing right of way of S.R. 422 and the Grantor's north line, 33.00 feet right of station 279+35.92 and the POINT OF BEGINNING;

Thence through the Grantor's lands, the following three (3) courses:

1. South 00 degrees 00 minutes 00 seconds East, a distance of 35.00 feet to a 5/8 inch rebar (set), with cap stamped "GPD", 68.00 feet right of station 279+35.69;
2. South 89 degrees 37 minutes 15 seconds West, a distance of 60.00 feet to a 5/8 inch rebar (set), with cap stamped "GPD", 68.00 feet right of station 278+75.69;
3. North 00 degrees 00 minutes 00 seconds West, a distance of 35.00 feet to a 5/8 inch rebar (set), with cap stamped "GPD", on the south existing right of way of S.R. 422 and the Grantor's north line, 33.00 feet right of station 278+75.92;

Thence on the south existing right of way of S.R. 422 and the Grantor's north line, North 89 degrees 37 minutes 15 seconds East, a distance of 60.00 feet to the Point of Beginning, containing 0.048 acres, of which the present road occupies 0.000 acres, and being part of Cuyahoga County Auditor's Parcel Number 751-01-001.

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

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This description was prepared and reviewed under the supervision of Travis D. McCarty, Professional Surveyor No. 8347 from an actual field survey conducted by Steven Hovancsek & Associates, in February, 2020.

## **Permanent Channel Easement Parcel 02-CH**

Situated in the State of Ohio, County of Cuyahoga, Original Warrensville Township, Lot 57, Connecticut Western Reserve, Village of Highland Hills and being part of a tract conveyed to City of Cleveland by Deed Book 843, Page 421 of said county records and bounded and described as follows:

COMMENCING at the centerline intersection of State Route 422 (Chagrin Boulevard) and Stratton Road, being at S.R. 422 station 281+82.31, witness an iron pin (found), inside of a monument box, bearing South 00 degrees 36 minutes 56 seconds East, a distance of 0.47 feet;

Thence on the centerline of S.R. 422, South 89 degrees 37 minutes 15 seconds West, a distance of 246.39 feet to a point at station 279+35.92;

Thence South 00 degrees 22 minutes 45 seconds East, a distance of 33.00 feet to a 5/8 inch rebar (set), with cap stamped "GPD", on the south existing right of way of S.R. 422 and the Grantor's north line, 33.00 feet right of station 279+35.92;

Thence through the Grantor's lands, South 00 degrees 00 minutes 00 seconds East, a distance of 35.00 feet to a 5/8 inch rebar (set), with cap stamped "GPD", 68.00 feet right of station 279+35.69 and the POINT OF BEGINNING;

Thence through the Grantor's lands, the following four (4) courses:

1. South 00 degrees 00 minutes 00 seconds East, a distance of 30.20 feet to a point 98.20 feet right of station 279+35.49;
2. South 89 degrees 37 minutes 15 seconds West, a distance of 60.00 feet to a point 98.20 feet right of station 278+75.49;
3. North 00 degrees 00 minutes 00 seconds West, a distance of 30.20 feet to a 5/8 inch rebar (set), with cap stamped "GPD", 68.00 feet right of station 278+75.69
4. North 89 degrees 37 minutes 15 seconds East, a distance of 60.00 feet the Point of Beginning, containing 0.042 acres, of which the present road occupies 0.000 acres, and being part of Cuyahoga County Auditor's Parcel Number 751-01-001.

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

This description was prepared and reviewed under the supervision of Travis D. McCarty, Professional Surveyor No. 8347 from an actual field survey conducted by Steven Hovancsek & Associates, in February, 2020.

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 the temporary easement interest in the following described property is not needed for the City's public use:

## **Temporary Construction Easement Parcel 02-T**

Situated in the State of Ohio, County of Cuyahoga, Original Warrensville Township, Lot 57, Connecticut Western Reserve, Village of Highland Hills and being part of a tract conveyed to City of Cleveland by Deed Book 843, Page 421 of said county records and bounded and described as follows:

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COMMENCING at the centerline intersection of State Route 422 (Chagrin Boulevard) and Stratton Road, being at S.R. 422 station 281+82.31, witness an iron pin (found), inside of a monument box, bearing South 00 degrees 36 minutes 56 seconds East, a distance of 0.47 feet;

Thence on the centerline of S.R. 422, South 89 degrees 37 minutes 15 seconds West, a distance of 246.39 feet to a point at station 279+35.92;

Thence South 00 degrees 22 minutes 45 seconds East, a distance of 33.00 feet to a 5/8 inch rebar (set), with cap stamped "GPD", on the south existing right of way of S.R. 422 and the Grantor's north line, 33.00 feet right of station 279+35.92 and the POINT OF BEGINNING;

Thence on the south existing right of way of S.R. 422 and the Grantor's north line, North 89 degrees 37 minutes 15 seconds East, a distance of 6.00 feet to a point 33.00 feet right of station 279+41.92;

Thence through the Grantor's lands, the following five (5) courses:

1. South 00 degrees 22 minutes 45 seconds East, a distance of 76.10 feet to a point 109.10 feet right of station 279+41.92;
2. South 89 degrees 37 minutes 15 seconds West, a distance of 82.82 feet to a point 109.10 feet right of station 278+59.10;
3. North 35 degrees 43 minutes 50 seconds West, a distance of 45.66 feet to a point 71.86 feet right of station 278+32.69;
4. North 82 degrees 05 minutes 32 seconds West, a distance of 153.04 feet to a point 49.81 feet right of station 276+81.25;
5. North 44 degrees 15 minutes 01 seconds West, a distance of 23.31 feet to a point on the south existing right of way of S.R. 422 and the Grantor's north line, 33.00 feet right of station 276+65.09;

Thence on the south existing right of way of S.R. 422 and the Grantor's north line, North 89 degrees 37 minutes 15 seconds East, a distance of 210.83 feet to a 5/8 inch rebar (set), with cap stamped "GPD", 33.00 feet right of station 278+75.92;

Thence through the Grantor's lands, the following three (3) courses:

1. South 00 degrees 00 minutes 00 seconds East, a distance of 65.20 feet to a point 98.20 feet right of station 278+75.49, passing over a 5/8 inch rebar (set), with cap stamped "GPD", at a distance of 35.00 feet;
2. North 89 degrees 37 minutes 15 seconds East, a distance of 60.00 feet to a point 98.20 feet right of station 279+35.49;
3. North 00 degrees 00 minutes 00 seconds West, a distance of 65.20 feet to the Point of Beginning, passing over a 5/8 inch rebar (set), with cap stamped "GPD", at a distance of 30.20 feet, containing 0.190 acres, of which the present road occupies 0.000 acres, and being part of Cuyahoga County Auditor's Parcel Number 751-01-001.

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

This description was prepared and reviewed under the supervision of Travis D. McCarty, Professional Surveyor No. 8347 from an actual field survey conducted by Steven Hovancsek & Associates, in February, 2020.

Section 3. That by and at the direction of the Board of Control, the Director of Public Works and the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interests to ODOT subject to any conditions stated in this ordinance at an appraised price of Six Thousand Dollars (\$6,000), which is determined to be fair market value.

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Section 4. That the purpose of the easements shall be to implement the rehabilitation of the culvert under Chagrin Boulevard at the Highland Park Golf Course the rehabilitation of which includes construction of a headwall, installation of rock channel protection and the necessary construction grading and access; and that the improvement shall be subterranean and also include surface and/or subsurface improvements at the site.

Section 5. That the duration of the non-exclusive permanent easements described in Section 1 shall be perpetual; that the duration of the exclusive temporary easements described in Section 2 shall not exceed eighteen (18) months; that the permanent and temporary easements shall include a reasonable right of entry by the City; that the permanent and temporary easements shall not be assignable without the consent of the Director of Public Works; that the permanent and temporary easements shall require that ODOT pay any applicable taxes and assessments caused by its usage of the property containing these easements.

Section 6. That the conveyances referred to above shall be made by official deeds of easement prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The deeds of easement shall contain any additional terms and conditions as are required to protect the interest of the City. The Director of Public Works and Director of 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.

KR:nl  
8-16-2023  
FOR: Director Williams

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REPORT  
after second Reading

**By Council Members Bishop and Griffin (by departmental request)**

**AN EMERGENCY ORDINANCE**

Authorizing the Director of Public Works to execute various deeds of permanent and temporary easements that will grant to the Ohio Department of Transportation certain easement rights to rehabilitate a culvert under Chagrin Boulevard at the Highland Park Golf Course and declaring the easement rights not needed for the City's public use.

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

**REPORTS**

**and referred to DIRECTORS of Public Works,  
City Planning Commission, Finance, Law;  
COMMITTEES on Municipal Services and Properties,  
Finance Diversity Equity and Inclusion**

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**CITY CLERK**

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**READ SECOND TIME**

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**CITY CLERK**

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**READ THIRD TIME**

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**PRESIDENT**

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**CITY CLERK**

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**APPROVED**

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**MAYOR**

Recorded Vol. **110** Page \_\_\_\_\_

Published in the City Record \_\_\_\_\_

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**MUNICIPAL SERVICES  
AND PROPERTIES**

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

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