

# Ordinance No. 356-2021

**By Council Members Polensek, Bishop  
and Brancatelli (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 Grovewood Avenue and East 161<sup>st</sup> Street within Humphrey Park; and declaring that the easement rights granted are not needed for public use.

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WHEREAS, The East Ohio Gas Company dba Dominion Energy Ohio (“Dominion”) is requesting a permanent easement at property located Grovewood Avenue and East 161<sup>st</sup> Street within Humphrey Park 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:

Portion of Permanent Parcel No. 113-18-011

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Euclid Township, Tract 16, being contained within Permanent Parcel Number 113-18-011 and further bounded and described as follows:

Beginning at the intersection of the Easterly right of way line for East 161<sup>st</sup> Street (55 Feet Wide) and the Northerly right of way line for Grovewood Avenue (70 Feet Wide);

Course 1 Thence North 01°04’34” West, along the Easterly right of way line of said East 161<sup>st</sup> Street, a distance of 20.00 feet;

Course 2 Thence North 89°00’17” East, a distance of 21.94 feet;

Course 3 Thence South 01°04’34” East, a distance of 20.00 feet to a point on the Northerly right of way line of said Grovewood Avenue;

Course 4 Thence South 89°00’17” West, along the Northerly right of way of said Grovewood Avenue, a distance of 21.94 feet to the place of beginning and containing 0.0100 Acre (437 Square Feet) of land.

Be the same more or less, but subject to all legal highways and easements of record.

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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 \$300.00.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to allow Dominion to replace the existing measuring and regulating station that is currently inside an underground vault located within the road right-of-way along Grovewood Avenue near East 161<sup>st</sup> Street, 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 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.

LW:nl  
5-17-2021  
FOR: Director Cox

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REPORT  
after second Reading

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READ FIRST TIME on MAY 17, 2021

REPORTS

and referred to DIRECTORS of Public Works,  
City Planning Commission, Finance, Law;  
COMMITTEES on Municipal Services and Properties,  
Development Planning and Sustainability

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**DEVELOPMENT, PLANNING AND  
SUSTAINABILITY**

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