

Ordinance No. 453-2026

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Utilities to execute various deeds of easement granting to the Northeast Ohio Regional Sewer District certain easement rights at several City-owned properties located along Mill Creek corridor through the Kerruish Basin located in the cities of Cleveland and Warrensville Heights as part of their Mill Creek Restoration Project; and declaring the easement rights not needed for the City's public use.

WHEREAS, the Northeast Ohio Regional Sewer District ("NEORS") is planning to address the streambank erosion along Mill Creek that has plagued the Mill Creek corridor through the Kerruish Basin (the "Mill Creek Restoration Project"); and

WHEREAS, the erosion has caused excessive sediment to be deposited into the City of Cleveland's Kerruish Basin which has reduced the flood control volume the basin was designed to address and also has exposed several underground sanitary sewers which are now in jeopardy of discharging sewage directly into Mill Creek; and

WHEREAS, the Mill Creek Restoration Project will restore approximately two thousand (2,000) feet of Mill Creek upstream of the Kerruish Basin which will consist of realigning the stream to reduce its velocity; raising the streambed to protect the sanitary sewer crossings thus improving water quality; providing fish passage; and reducing maintenance activities for the Kerruish Basin; and

WHEREAS, NEORS is seeking the donation of two permanent stormwater easements and one permanent access easement from the City in order to have access to the Project area for the construction and maintenance of the Mill Creek Restoration Project; and

WHEREAS, NEORS has requested the City through its Director of Public Utilities to convey certain permanent stormwater and access easement rights in property located within various City owned properties and known as Permanent Parcel Nos. 143-25-001, 761-15-001 and 762-17-002; 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:

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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 easement interests in the following described properties are not needed for the City's public use:

**Permanent Stormwater Easement_762-15-001+-P1
Parcels 762-15-001 and 143-25-001
5.3405 Acres**

Situated in the City of Cleveland and City of Warrensville Heights, County of Cuyahoga and State of Ohio and known as being part of Original Warrensville Township Lot Nos. 92 and 93. Also being part of the land conveyed to City of Cleveland, as recorded in Certificate of Title No. 71300 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a drill hole in a stone in a monument box found at the intersection of the centerline of E. 177th Street (50 feet wide) and the centerline of Federal Road (50 feet wide);

Thence, along the centerline of E. 177th Street, South 01° 01' 00" East, 168.17 feet to the southerly right of way of Elmer Avenue (25 feet wide);

Thence, along the southerly right of way of Elmer Avenue, South 89° 07' 25" West, 26.15 feet;

Thence, leaving the southerly right of way of Elmer Avenue, South 14° 00' 37" West, 53.81 feet;

Thence, South 18° 09' 06" West, 60.21 feet to the **True Point of Beginning** for the easement herein described;

Thence, South 18° 09' 06" West, 34.45 feet;

Thence, South 06° 27' 25" West, 57.59 feet;

Thence, South 30° 08' 46" East, 41.59 feet;

Thence, South 81° 29' 23" East, 118.41 feet;

Thence, South 77° 58' 33" East, 67.39 feet;

Thence, South 86° 22' 42" East, 29.73 feet;

Thence, South 23° 35' 13" East, 66.89 feet;

Thence, South 37° 10' 19" West, 255.75 feet;

Thence, South 31° 53' 32" West, 109.85 feet;

Thence, South 08° 47' 54" West, 74.91 feet;

Thence, South 01° 21' 07" East, 210.22 feet to the northerly right of way of Interstate 480;

Thence, along the northerly right of way of Interstate 480, North 79° 29' 23" West, 72.24 feet;

Thence, continuing along the northerly right of way of Interstate 480, North 87° 41' 12" West, 156.50 feet;

Thence, leaving the northerly right of way of Interstate 480, North 00° 28' 45" East, 73.09 feet;

Thence, North 29° 54' 59" East, 79.66 feet;

Thence, North 84° 03' 07" East, 59.40 feet;

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Thence, North 01° 01' 00" West, 161.38 feet;
Thence, South 65° 30' 55" West, 279.37 feet;
Thence, North 01° 58' 43" West, 113.44 feet;
Thence, North 15° 05' 37" West, 32.28 feet;
Thence, North 05° 17' 16" East, 87.08 feet;
Thence, North 57° 04' 22" East, 179.81 feet;
Thence, North 24° 36' 27" East, 120.80 feet;
Thence, North 29° 49' 54" East, 145.01 feet;
Thence, North 71° 00' 32" East, 73.67 feet;
Thence, South 89° 57' 22" East, 22.28 feet to the point of beginning.

Containing within said bounds 5.3405 acres (232,633 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in October, 2024.

Bearings are based on Ohio State Plane, North Zone, NAD83(2011) Grid North.

**Permanent Access Easement_762-15-001+-P2
Parcels 762-15-001 and 762-17-002
3.2668 Acres**

Situated in the City of Warrensville Heights, County of Cuyahoga and State of Ohio and known as being part of Original Warrensville Township Lot No. 93. Also being part of the land conveyed to City of Cleveland, as recorded in Certificate of Title Nos. 71300 and 75618 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a drill hole in a stone in a monument box found at the intersection of the centerline of E. 177th Street (50 feet wide) and the centerline of Federal Road (50 feet wide);

Thence, along the centerline of E. 177th Street, South 01° 01' 00" East, 168.17 feet to the southerly right of way of Elmer Avenue (25 feet wide) and the **True Point of Beginning** for the easement herein described;

Thence, along the southerly right of way of Elmer Avenue, North 89° 07' 25" East, 4.90 feet;
Thence, leaving the southerly right of way of Elmer Avenue, South 14° 00' 38" West, 62.87 feet;
Thence, South 18° 09' 05" West, 92.67 feet;
Thence, South 06° 27' 24" West, 44.60 feet;
Thence, South 30° 08' 43" East, 17.25 feet;
Thence, South 81° 29' 24" East, 104.91 feet;
Thence, South 77° 58' 32" East, 66.11 feet;
Thence, South 86° 22' 41" East, 53.13 feet;
Thence, North 87° 10' 02" East, 60.28 feet;
Thence, North 43° 47' 30" East, 117.97 feet;

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Thence, North 38° 17' 02" East, 132.51 feet;

Thence, North 49° 33' 32" East, 59.23 feet;

Thence, North 69° 08' 36" East, 50.49 feet to the southerly right of way of Elmer Avenue;

Thence, along the southerly right of way of Elmer Avenue, North 89° 07' 25" East, 10.91 feet;

Thence, along the easterly right of way of Elmer Avenue, North 00° 49' 48" West, 3.97 feet;

Thence, leaving the easterly right of way of Elmer Avenue, North 69° 08' 36" East, 32.35 feet;

Thence, North 79° 24' 19" East, 308.52 feet;

Thence, North 66° 18' 52" East, 87.32 feet;

Thence, North 56° 40' 18" East, 79.35 feet;

Thence, North 75° 06' 20" East, 73.95 feet;

Thence, North 80° 15' 03" East, 83.70 feet;

Thence, North 85° 05' 19" East, 201.92 feet;

Thence, South 71° 24' 26" East, 64.75 feet;

Thence, South 47° 39' 29" East, 226.13 feet;

Thence, South 48° 31' 41" West, 36.36 feet;

Thence, North 47° 03' 29" West, 204.44 feet;

Thence, North 64° 19' 05" West, 59.58 feet;

Thence, South 85° 29' 41" West, 152.08 feet;

Thence, South 81° 54' 30" West, 103.83 feet;

Thence, South 06° 11' 16" East, 68.21 feet;

Thence, South 08° 46' 22" West, 127.05 feet;

Thence, South 82° 53' 57" West, 120.13 feet;

Thence, North 85° 06' 44" West, 141.09 feet;

Thence, North 68° 03' 03" West, 67.57 feet;

Thence, South 20° 33' 47" West, 30.29 feet;

Thence, South 26° 46' 59" West, 17.71 feet;

Thence, South 21° 19' 10" West, 27.42 feet;

Thence, along the arc of a curve which deflects to the left, 68.16 feet, said curve having a radius of 120.00 feet, a central angle of 32° 32' 47", and a chord of 67.25 feet which bears South 02° 36' 21" East;

Thence, South 89° 21' 56" West, 17.78 feet;

Thence, along the arc of a curve which deflects to the right, 72.25 feet, said curve having a radius of 137.00 feet, a central angle of 30° 13' 03", and a chord of 71.42 feet which bears North 01° 26' 29" West;

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Thence, North 20° 22' 14" East, 25.19 feet;
Thence, North 29° 28' 19" East, 24.94 feet;
Thence, North 09° 56' 11" East, 29.01 feet;
Thence, North 66° 18' 39" West, 68.38 feet;
Thence, South 80° 41' 23" West, 120.06 feet;
Thence, South 67° 50' 09" West, 98.21 feet;
Thence, South 45° 23' 22" West, 66.27 feet;
Thence, South 35° 13' 34" West, 90.10 feet;
Thence, South 41° 14' 12" West, 160.52 feet;
Thence, South 36° 44' 42" West, 371.01 feet;
Thence, South 18° 26' 59" West, 119.23 feet;
Thence, South 00° 34' 53" West, 225.51 feet to the northerly right of way of Interstate 480;
Thence, along the northerly right of way of Interstate 480, North 79° 29' 23" West, 33.20 feet;
Thence, leaving the northerly right of way of Interstate 480, North 01° 21' 07" West, 210.22 feet;
Thence, North 08° 47' 54" East, 74.91 feet;
Thence, North 31° 53' 32" East, 109.85 feet;
Thence, North 37° 10' 19" East, 255.75 feet;
Thence, North 23° 35' 13" West, 66.89 feet;
Thence, North 86° 22' 42" West, 29.73 feet;
Thence, North 77° 58' 33" West, 67.39 feet;
Thence, North 81° 29' 23" West, 118.41 feet;
Thence, North 30° 08' 46" West, 41.59 feet;
Thence, North 06° 27' 25" East, 57.59 feet;
Thence, North 18° 09' 06" East, 94.66 feet;
Thence, North 14° 00' 37" East, 53.81 feet to the southerly right of way of Elmer Avenue;
Thence, along the southerly right of way of Elmer Avenue, North 89° 07' 25" East, 26.15 feet to the point of beginning.

Containing within said bounds 3.2668 acres (142,301 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in October, 2024.

Bearings are based on Ohio State Plane, North Zone, NAD83(2011) Grid North.

**Permanent Stormwater Easement_762-15-001+-P3
Parcels 762-15-001 and 762-17-002
16.5612 Acres**

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Situated in the City of Warrensville Heights, County of Cuyahoga and State of Ohio and known as being part of Original Warrensville Township Lot Nos. 93 and 94. Also being part of the land conveyed to City of Cleveland, as recorded in Certificate of Title Nos. 71300 and 75618 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a drill hole in a stone in a monument box found at the intersection of the centerline of E. 177th Street (50 feet wide) and the centerline of Federal Road (50 feet wide);

Thence, along the centerline of E. 177th Street, South 01° 01' 00" East, 168.17 feet to the southerly right of way of Elmer Avenue (25 feet wide);

Thence, along the southerly right of way of Elmer Avenue, North 89° 07' 25" East, 513.07 feet to the westerly line of said land conveyed to City of Cleveland as recorded in Certificate of Title No. 75618;

Thence, leaving the southerly right of way of Elmer Avenue, along the westerly line of said land conveyed to City of Cleveland as recorded in Certificate of Title No. 75618, South 00° 49' 48" East, 167.41 feet to the southwesterly corner thereof and being the **True Point of Beginning** for the easement herein described;

Thence, along the southerly line of said land conveyed to City of Cleveland as recorded in Certificate of Title No. 75618, North 89° 21' 56" East, 376.81 feet;

Thence, leaving the southerly line of said land conveyed to City of Cleveland as recorded in Certificate of Title No. 75618, North 68° 06' 59" East, 320.87 feet;

Thence, North 74° 42' 55" East, 72.62 feet;

Thence, South 89° 05' 23" East, 251.99 feet;

Thence, North 48° 31' 41" East, 195.92 feet;

Thence, North 52° 49' 58" East, 151.64 feet;

Thence, North 66° 42' 26" East, 35.70 feet;

Thence, North 89° 21' 56" East, 74.92 feet to a 5/8" iron pin found 0.09 feet North and 0.14 feet East;

Thence, South 51° 35' 24" East, 277.23 feet;

Thence, South 19° 50' 44" West, 69.44 feet;

Thence, South 45° 27' 42" West, 37.00 feet;

Thence, South 69° 32' 47" West, 125.22 feet;

Thence, South 49° 48' 11" West, 242.19 feet;

Thence, South 63° 37' 49" West, 66.04 feet;

Thence, South 88° 20' 13" West, 299.83 feet;

Thence, South 69° 40' 11" West, 191.63 feet;

Thence, South 82° 03' 29" West, 607.71 feet;

Thence, South 60° 30' 52" West, 131.85 feet;

Thence, South 23° 55' 53" West, 387.29 feet;

Thence, South 63° 15' 37" East, 57.05 feet;

Thence, South 29° 16' 09" West, 42.80 feet to the northerly right of way of Interstate 480;

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Thence, along the northerly right of way of Interstate of 480, the following the five courses;

North 62° 45' 52" West, 27.76 feet;

Thence, North 89° 19' 11" West, 170.07 feet;

Thence, South 79° 54' 20" West, 126.59 feet;

Thence, North 83° 39' 07" West, 21.28 feet;

Thence, North 79° 29' 23" West, 31.21 feet;

Thence, leaving the northerly right of way of Interstate 480, North 00° 34' 53" East, 225.51 feet;

Thence, North 18° 26' 59" East, 119.23 feet;

Thence, North 36° 44' 42" East, 371.01 feet;

Thence, North 41° 14' 12" East, 160.52 feet;

Thence, North 89° 21' 56" East, 148.86 feet to the point of beginning.

Containing within said bounds 16.5612 acres (721,405 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in October, 2024.

Bearings are based on 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 non-exclusive easement interests to NEORSD subject to any conditions stated in this ordinance at an appraised price of \$188,775 which is determined to be fair market value. The City will donate the non-exclusive easements to NEORSD due to the benefit the public will receive from NEORSD's Mill Creek Restoration Project.

Section 3. That the purpose of the easements shall be for the construction and maintenance of Mill Creek Restoration Project.

Section 4. That the duration of the non-exclusive easements shall be perpetual, shall not be assignable without the consent of the Director of Public Utilities, and shall require that the NEORSD provide reasonable insurance and pay any applicable taxes and assessments.

Section 5. 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

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Public Utilities 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 Directors of Public Utilities 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.

ST:nl
4-6-26

FOR: Director Keane

