

Ordinance No. 227-2024

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

AN EMERGENCY ORDINANCE

Authorizing the Directors of Capital Projects, Port Control, and/or Public Works to enter into one or more agreements with Cuyahoga County and Cleveland Metroparks to construct an all-purpose trail on the north side of North Marginal Road, including a maintenance and repair agreement with the Metroparks, for a term of not to exceed twenty years, with five 20-year options to renew, exercisable by the Metroparks; authorizing one or more submerged land leases with the State of Ohio and future sub-leases, for a term up to ninety-nine years, with two fifty-year options to renew, exercisable by the appropriate Director; and to replace or otherwise adjust existing adjacent submerged land leases and sub-leases; authorizing one or more encroachment permits to the County; authorizing acquisition of real property, easements and work agreements; conveyance of temporary deeds of easement; and authorizing any other agreements to effectuate this ordinance.

WHEREAS, Cuyahoga County (“County”) is proposing to construct an all-purpose trail (“Improvement”) within the dedicated public right-of-way of North Marginal Road, on the north side from East 55th Street to East 9th Street (“Improvement Area”) that will connect to an existing all-purpose trail owned and operated by the Board of Park Commissioners of the Cleveland Metropolitan Park District (the “Metroparks”) located in E. 55th Street Marina in the Lakefront Reservation; and

WHEREAS, the County has received funding from the Northeast Ohio Areawide Coordinating Agency through the Federal Highway Administration to construct the Improvement; and

WHEREAS, the Metroparks has received funding from a foundation for the construction of the Improvement; and

WHEREAS, the City desires to also provide funding for the project; and

WHEREAS, the City desires to enter into an agreement with the County and the Metroparks under which the City will authorize the County to proceed with the construction of the Improvement; and

WHEREAS, the City also desires to enter into an agreement with the Metroparks under which the Metroparks will be responsible for the maintenance and repair of the Improvement and removal of trash and snow, as well as patrolling the Improvement, for a term not to exceed twenty years, with five 20-year options to renew, exercisable by the Metroparks; and

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WHEREAS, the County has requested that the City convey certain temporary easement rights in property located in the Improvement Area and to issue one or more encroachments permits, licenses, and/or work agreements when necessary to construct the Improvement; 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 the Director of Capital Projects, Port Control, and/or Public Works, as appropriate, are authorized to enter into one or more agreements with the County and Metroparks regarding the construction of the Improvement.

Section 2. That the Directors of Port Control and/or Capital Projects, as appropriate, are authorized to enter into one or more submerged land leases with the State of Ohio and subleases with various tenants for the submerged land in the Improvement Area, for a term up to ninety-nine years, with two options to renew for a period of fifty years each, exercisable by the appropriate Director.

Section 3. That the Director of Port Control is authorized to replace, merge, modify, amend, extend, or otherwise adjust any existing adjacent submerged land leases or subleases that affect the Improvement Area.

Section 4. That the Director of Capital Projects, Port Control, and/or Public Works, as appropriate, are authorized to issue one or more permits, revocable at the will of Council, to the County, Cuyahoga County Administration Building, 1219 Ontario Street, Cleveland, Ohio, 44113, or its designee, to encroach above, upon and below public rights-of-way immediately adjacent to and within the Improvement Area for the Improvement.

Section 5. That the County may assign the permit or permits only with the prior written consent of the appropriate Director. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications first approved by the Commissioner of Engineering and Construction. That the County shall obtain all

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other required permits, including but not limited to Building Permits, before installing the Improvement.

Section 6. That the Director of Law shall prepare the permit(s) authorized by this ordinance and shall incorporate such additional provisions as the Director determines necessary to protect and benefit the public interest.

Section 7. That the permit(s) shall reserve to the City reasonable right of entry to the encroachment location(s).

Section 8. That, notwithstanding Section 183.16 of the Codified Ordinances of Cleveland, Ohio, the Directors of Capital Projects, Port Control, and/or Public Works, as appropriate, are authorized to enter into one or more license agreements with the County necessary to implement this ordinance. The cost of any license agreement is \$1.00 and other valuable consideration, which is determined to be fair market value.

Section 9. That the term of the license agreement or agreements shall be for an initial term not to exceed two years, and automatically renewing monthly unless terminated by either party.

Section 10. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-way purposes any real property including but not limited to fee simple acquisitions, temporary easements, permanent easements, and work agreements as is necessary for the Improvement. The consideration to be paid for the property and easements shall not exceed fair market value, as determined by the Board of Control.

Section 11. 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 following temporary easement interests in the following described properties are not needed for the City's public use:

**PARCEL #1-T1
CUY - NORTH MARGINAL CONNECTOR**

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**TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
DRIVE CONSTRUCTION, PARKING LOT CONSTRUCTION, FENCE
INSTALLATION, GRADING & LANDSCAPING
FOR 24 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

[Surveyor's description of the premises follows below]

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original 2 Acre Lot No.'s 188, 189, 190, and parts of Original 10 Acre Lot No.'s 132, 133, and 134 and being a **1.887 acres (82,182 sq.ft.) TEMPORARY EASEMENT #1-T1 for drive construction, parking lot construction, fence installation, grading & landscaping** located within a 489.000 acres (auditor) parcel of land within the boundary of Burke Lakefront Airport as conveyed to City Of Cleveland by deeds dated October 21, 1953 as recorded in Volume 7880, Page 86 and Volume 7880, Page 90 and by deed dated December 14, 1959 as recorded in Volume 7899, Page 42, all of Cuyahoga County Deed Records, within part of Cuyahoga County Auditor's Permanent Parcel #102-02-012, and being a parcel of land lying on the right-of-way, being the Northerly right-of-way of North Marginal Road (width varies) and further bounded and described as follows;

Beginning at a point in the Northerly right-of-way line of North Marginal Road (width varies) at 40.90 feet left of Station 58+64.96 of the existing centerline of North Marginal Road and the **Place of Beginning** of the premises herein intended to be described;

Course I Thence Northwesterly **North 27 degrees 19 minutes 09 seconds West**, a distance of **15.00 feet** to a point at 55.90 feet left of Station 58+64.96 of said centerline of North Marginal Road;

Course II Thence Northeasterly **North 62 degrees 40 minutes 51 seconds East**, a distance of **73.23 feet** to a point, 55.90 feet left of Station 59+38.19 of said centerline of North Marginal Road;

Course III Thence Northwesterly **North 32 degrees 38 minutes 44 seconds West**, a distance of **46.04 feet** to a point at 101.74 feet left of Station 59+33.92 of said centerline of North Marginal Road;

Course IV Thence Northeasterly **North 57 degrees 09 minutes 33 seconds East**, a distance of **99.99 feet** to a point, 111.36 feet left of Station 60+33.45 of said centerline of North Marginal Road;

Course V Thence Southeasterly **South 32 degrees 50 minutes 27 seconds East**, a distance of **19.00 feet** to a point, 92.45 feet left of Station 60+35.28 of said centerline of North Marginal Road;

Course VI Thence Northeasterly **North 57 degrees 09 minutes 33 seconds East**, a distance of **799.96 feet** to a point, 114.73 feet left of Station 68+50.30 of said centerline of North Marginal Road;

Course VII Thence Northwesterly **North 32 degrees 50 minutes 27 seconds West**, a distance of **44.00 feet** to a point at 158.70 feet left of Station 68+52.00 of said centerline of North Marginal Road;

Course VIII Thence Northeasterly **North 57 degrees 09 minutes 33 seconds East**, a distance of **85.79 feet** to a point, 155.37 feet left of Station 69+37.73 of said centerline of North Marginal Road;

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Course IX Thence Southeasterly **South 32 degrees 39 minutes 48 seconds East**, a distance of **122.11 feet** to a point on the Northerly right-of-way line of North Marginal Road, 33.37 feet left of Station 69+32.62 of said centerline of North Marginal Road;

The following two (2) Courses are along the Northerly right-of-way line of said North Marginal Road as follows;

Course X Thence Southwesterly **South 54 degrees 56 minutes 13 seconds West**, a distance of **435.79 feet** to a point, 31.51 feet left of Station 64+95.51 of said centerline of North Marginal Road;

Course XI Thence Southwesterly **South 62 degrees 39 minutes 21 seconds West**, along said Northerly right-of-way line of North Marginal Road, a distance of **627.28 feet** to the **Place of Beginning** and containing **1.887 acres (82,182 sq.ft.)** of land, more or less which is part of Cuyahoga County Auditor's Permanent Parcel #102-02-012;

Basis of Bearing for this legal description is the centerline of North Marginal Road (width varies) as evidenced by monuments found and is the same as calculated and reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network.

The stations referred to herein are from the existing centerline of construction of North Marginal Road in the City of Cleveland, Cuyahoga County, Ohio, as shown on the Centerline Schematic Plan (Sheet 2-7) of the "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as recorded in AFN _____ of Cuyahoga County Map Records as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023;

This description was prepared under the supervision of and reviewed by Donald F. Sheehy, P.S. #7849 from surveys made under the supervision of Donald F. Sheehy, P.S. #7849 for Chagrin Valley Engineering, Ltd. in conjunction with "Right-of-Way Plans for CUY - NORTH MARGINAL CONNECTOR" as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023 for the County of Cuyahoga, State of Ohio.

**PARCEL #1-T2
CUY - NORTH MARGINAL CONNECTOR
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
PATH REMOVAL, GRADING & LANDSCAPING FOR 24 MONTHS FROM
THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

[Surveyor's description of the premises follows below]

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original 10 Acre Lot No. 134 and being a **0.014 acres (589 sq.ft.)** **TEMPORARY EASEMENT #1-T2 for path removal, grading & landscaping** located within a 489.000 acres (auditor) parcel of land within the boundary of Burke Lakefront Airport as conveyed to City Of Cleveland by deeds dated October 21, 1953 as recorded in Volume 7880, Page 86 and Volume 7880, Page 90 and by deed dated December 14, 1959 as recorded in Volume 7899, Page 42, all of Cuyahoga County Deed Records, within part of Cuyahoga County Auditor's Permanent Parcel #102-02-012, and being a parcel of land lying on the right-of-way, being the Northerly right-of-way of North Marginal Road (width varies) and further bounded and described as follows;

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Beginning at a point in the Northerly right-of-way line of North Marginal Road (width varies) at 33.37 feet left of Station 70+54.90 of the existing centerline of North Marginal Road and the **Place of Beginning** of the premises herein intended to be described;

Course I Thence Northwesterly **North 35 degrees 03 minutes 45 seconds West**, a distance of **9.62 feet** to a point at 43.00 feet left of Station 70+54.90 of said centerline of North Marginal Road;

Course II Thence Northeasterly **North 54 degrees 56 minutes 15 seconds East**, a distance of **61.22 feet** to a point, 43.00 feet left of Station 71+16.12 of said centerline of North Marginal Road;

Course III Thence Southeasterly **South 34 degrees 52 minutes 09 seconds East**, a distance of **9.62 feet** to a point at 33.37 feet left of Station 71+16.09 of said centerline of North Marginal Road;

Course IV Thence Southwesterly **South 54 degrees 56 minutes 13 seconds West**, along said Northerly right-of-way line of North Marginal Road, a distance of **61.18 feet** to the **Place of Beginning** and containing **0.014 acres (589 sq.ft.)** of land, more or less which is part of Cuyahoga County Auditor's Permanent Parcel #102-02-012;

Basis of Bearing for this legal description is the centerline of North Marginal Road (width varies) as evidenced by monuments found and is the same as calculated and reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network.

The stations referred to herein are from the existing centerline of construction of North Marginal Road in the City of Cleveland, Cuyahoga County, Ohio, as shown on the Centerline Schematic Plan (Sheet 2-7) of the "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as recorded in AFN _____ of Cuyahoga County Map Records as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023;

This description was prepared under the supervision of and reviewed by Donald F. Sheehy, P.S. #7849 from surveys made under the supervision of Donald F. Sheehy, P.S. #7849 for Chagrin Valley Engineering, Ltd. in conjunction with "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023 for the County of Cuyahoga, State of Ohio.

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**PARCEL #1-T3
CUY - NORTH MARGINAL CONNECTOR
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
PATH REMOVAL, GRADING & LANDSCAPING
FOR 24 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

[Surveyor's description of the premises follows below]

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original 10 Acre Lot No.'s 137 and 138, and being a **0.115 acres (5,001 sq.ft.) TEMPORARY EASEMENT #1-T3 for path removal, grading & landscaping** located within a 489.000 acres (auditor) parcel of land within the boundary of Burke Lakefront Airport as conveyed to City Of Cleveland by deeds dated October 21, 1953 as recorded in Volume 7880, Page 86 and Volume 7880, Page 90 and by deed dated December 14, 1959 as recorded in Volume 7899, Page 42, all of Cuyahoga County Deed Records within part of Cuyahoga County Auditor's Permanent Parcel #102-02-012, and being a parcel of land lying on the right-of-way, being the Northerly right-of-way of North Marginal Road (width varies) and further bounded and described as follows;

Beginning at a point in the Northerly right-of-way line of North Marginal Road (width varies) at 33.37 feet left of Station 80+98.78 of the existing centerline of North Marginal Road and the **Place of Beginning** of the premises herein intended to be described;

Course I Thence Northwesterly **North 32 degrees 32 minutes 12 seconds West**, a distance of **13.44 feet** to a point at 46.37 feet left of Station 81+02.19 of said centerline of North Marginal Road;

Course II Thence Northeasterly **North 42 degrees 46 minutes 00 seconds East**, parallel with said Northerly right-of-way line of North Marginal Road a distance of **373.53 feet** to a point, 46.37 feet left of Station 84+75.72 of said centerline of North Marginal Road;

Course III Thence continuing parallel with said Northerly right-of-way line of North Marginal Road, Northeasterly along the arc of a curve deflecting to the right, **11.15 feet** said curve having a radius of **3026.71 feet**, a delta of **00 degrees 12 minutes 40 seconds** and a chord which bears **North 42 degrees 53 minutes 07 seconds East**, a distance of **11.15 feet** to a point at 46.37 feet left of Station 84+86.70 of said centerline of North Marginal Road;

Course IV Thence Southeasterly **South 32 degrees 38 minutes 36 seconds East**, to said Northerly right-of-way line of North Marginal Road, a distance of **13.42 feet** to a point on the Northerly right-of-way line of North Marginal Road, 33.34 feet left of Station 84+83.40 of said centerline of North Marginal Road;

The following two (2) Courses are along the Northerly right-of-way line of said North Marginal Road as follows;

Course V Thence continuing along said Northerly right-of-way line of North Marginal Road, Southwesterly along the arc of a curve deflecting to the left, **7.77 feet** said curve having a radius of **3007.16 feet**, a delta of **00 degrees 08 minutes 53 seconds** and a chord which bears **South 42 degrees 50 minutes 26 seconds West**, a distance of **7.77 feet** to a point at 33.34 feet left of Station 84+75.72 of said centerline of North Marginal Road;

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Course VI Thence Southwesterly **South 42 degrees 46 minutes 00 seconds West**, along said Northerly right-of-way line of North Marginal Road a distance of **376.94 feet** to the **Place of Beginning** and containing **0.115 acres (5,001 sq.ft.)** of land, more or less which is part of Cuyahoga County Auditor's Permanent Parcel #102-02-012;

Basis of Bearing for this legal description is the centerline of North Marginal Road (width varies) as evidenced by monuments found and is the same as calculated and reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network.

The stations referred to herein are from the existing centerline of construction of North Marginal Road in the City of Cleveland, Cuyahoga County, Ohio, as shown on the Centerline Schematic Plan (Sheet 2-7) of the "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as recorded in AFN _____ of Cuyahoga County Map Records as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023;

This description was prepared under the supervision of and reviewed by Donald F. Sheehy, P.S. #7849 from surveys made under the supervision of Donald F. Sheehy, P.S. #7849 for Chagrin Valley Engineering, Ltd. in conjunction with "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023 for the County of Cuyahoga, State of Ohio.

**PARCEL #1-T4
CUY - NORTH MARGINAL CONNECTOR
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
GRADING & LANDSCAPING
FOR 24 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

[Surveyor's description of the premises follows below]

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original 10 Acre Lot No. 140, and being a **0.048 acres (2,109 sq.ft.)** **TEMPORARY EASEMENT #1-T4 for grading & landscaping** located within a 489.000 acres (auditor) parcel of land within the boundary of Burke Lakefront Airport as conveyed to City Of Cleveland by deeds dated October 21, 1953 as recorded in Volume 7880, Page 86 and Volume 7880, Page 90 and by deed dated December 14, 1959 as recorded in Volume 7899, Page 42, all of Cuyahoga County Deed Records within part of Cuyahoga County Auditor's Permanent Parcel #102-02-012, and being a parcel of land lying on the right-of-way, being the Northerly right-of-way of North Marginal Road (width varies) and further bounded and described as follows;

Beginning at a point in the Northerly right-of-way line of North Marginal Road (width varies) at 33.33 feet left of Station 89+55.69 of the existing centerline of North Marginal Road and the **Place of Beginning** of the premises herein intended to be described;

Course I Thence Northwesterly **North 32 degrees 38 minutes 36 seconds West**, a distance of **13.03 feet** to a point at 46.35 feet left of Station 89+56.89 of said centerline of North Marginal Road;

Course II Thence parallel with said Northerly right-of-way line of North Marginal Road, Northeasterly along the arc of a curve deflecting to the right, **105.40 feet** said curve having a radius of **3020.56 feet**, a delta of **01 degrees 59 minutes 58 seconds** and a chord which bears **North 53 degrees 01 minutes 43 seconds East**, a distance

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of **105.40 feet** to a point at 46.37 feet left of Station 90+60.68 of said centerline of North Marginal Road;

Course III Thence Northeasterly **North 61 degrees 00 minutes 00 seconds East**, to said Northerly right-of-way line of North Marginal Road a distance of **114.27 feet** to a point, 33.37 feet left of Station 91+73.71 of said centerline of North Marginal Road;

The following two (2) Courses are along the Northerly right-of-way line of said North Marginal Road as follows;

Course IV Thence Southwesterly **South 54 degrees 28 minutes 55 seconds West**, a distance of **110.45 feet** to a point, 33.37 feet left of Station 90+63.62 of said centerline of North Marginal Road;

Course V Thence Southwesterly along the arc of a curve deflecting to the left, **109.14 feet** said curve having a radius of **3007.24** feet, a delta of **02 degrees 04 minutes 46 seconds** and a chord which bears **South 53 degrees 03 minutes 14 seconds West**, a distance of **109.13 feet** to the **Place of Beginning** and containing **0.048 acres (2,109 sq.ft.)** of land, more or less which is part of Cuyahoga County Auditor's Permanent Parcel #102-02-012;

Basis of Bearing for this legal description is the centerline of North Marginal Road (width varies) as evidenced by monuments found and is the same as calculated and reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network.

The stations referred to herein are from the existing centerline of construction of North Marginal Road in the City of Cleveland, Cuyahoga County, Ohio, as shown on the Centerline Schematic Plan (Sheet 2-7) of the "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as recorded in AFN _____ of Cuyahoga County Map Records as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023;

This description was prepared under the supervision of and reviewed by Donald F. Sheehy, P.S. #7849 from surveys made under the supervision of Donald F. Sheehy, P.S. #7849 for Chagrin Valley Engineering, Ltd. in conjunction with "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023 for the County of Cuyahoga, State of Ohio.

**PARCEL #1-T5
CUY - NORTH MARGINAL CONNECTOR
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
DRIVE CONSTRUCTION, FENCE CONSTRUCTION, GRADING AND
LANDSCAPING
FOR 24 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

[Surveyor's description of the premises follows below]

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original 10 Acre Lot No. 153, and being a **0.418 acres (18,229 sq.ft.) TEMPORARY EASEMENT #1-T5 for drive construction, fence construction, grading and landscaping** located within a 489.000 acres (auditor) parcel of land within the boundary of Burke Lakefront Airport as conveyed to City of Cleveland by

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deeds dated October 21, 1953 as recorded in Volume 7880, Page 86 and Volume 7880, Page 90 and by deed dated December 14, 1959 as recorded in Volume 7899, Page 42, all of Cuyahoga County Deed Records within part of Cuyahoga County Auditor's Permanent Parcel #102-02-012, and being a parcel of land lying on the right-of-way, being the Northerly right-of-way of North Marginal Road (width varies) and further bounded and described as follows;

Beginning at a point in the Northerly right-of-way line of North Marginal Road (width varies) at 39.00 feet left of Station 134+59.58 of the existing centerline of North Marginal Road and the **Place of Beginning** of the premises herein intended to be described;

Course I Thence Northwesterly **North 35 degrees 16 minutes 47 seconds West**, a distance of **65.00 feet** to a point at 103.99 feet left of Station 134+59.58 of said centerline of North Marginal Road;

Course II Thence Northeasterly **North 54 degrees 43 minutes 13 seconds West**, a distance of **281.88** to a point at 103.99 feet left of Station 137+41.46 of said centerline of North Marginal Road;

Course III Thence Southeasterly **South 32 degrees 46 minutes 43 seconds East**, to said Northerly right-of-way line of North Marginal Road a distance of **65.00 feet** to a point, 39.00 feet left of Station 137+38.62 of said centerline of North Marginal Road;

Course IV Thence Southwesterly **South 54 degrees 43 minutes 13 seconds West**, a distance of **279.04 feet** to the **Place of Beginning** and containing **0.418 acres (18,229 sq.ft.)** of land, more or less which is part of Cuyahoga County Auditor's Permanent Parcel #102-02-012;

Basis of Bearing for this legal description is the centerline of North Marginal Road (width varies) as evidenced by monuments found and is the same as calculated and reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network.

The stations referred to herein are from the existing centerline of construction of North Marginal Road in the City of Cleveland, Cuyahoga County, Ohio, as shown on the Centerline Schematic Plan (Sheet 2-7) of the "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as recorded in AFN _____ of Cuyahoga County Map Records as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023;

This description was prepared under the supervision of and reviewed by Donald F. Sheehy, P.S. #7849 from surveys made under the supervision of Donald F. Sheehy, P.S. #7849 for Chagrin Valley Engineering, Ltd. in conjunction with "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023 for the County of Cuyahoga, State of Ohio.

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**PARCEL #2-T
CUY - NORTH MARGINAL CONNECTOR
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
DRIVE CONSTRUCTION, PATH REMOVAL, GRADING & LANDSCAPING
FOR 24 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

[Surveyor's description of the premises follows below]

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original 10 Acre Lot No.'s 134, 135, and 136 and being a **0.156 acres (6,792 sq.ft.) TEMPORARY EASEMENT #2-T for drive construction, path removal, grading & landscaping** located within a 4.54 acres (auditor) parcel of land within the boundary of Burke Lakefront Airport as conveyed to City Of Cleveland by deed dated June 18, 2018 as recorded in Document No. 201806180234 of Cuyahoga County Records, within part of Cuyahoga County Auditor's Permanent Parcel #102-02-011, and being a parcel of land lying on the right-of-way, being the Northerly right-of-way of North Marginal Road (width varies) and further bounded and described as follows;

Beginning at a point in the Northerly right-of-way line of North Marginal Road (width varies) at 33.37 feet left of Station 71+16.09 of the existing centerline of North Marginal Road and the **Place of Beginning** of the premises herein intended to be described;

Course I Thence Northwesterly **North 34 degrees 52 minutes 09 seconds West**, a distance of **14.62 feet** to a point at 48.00 feet left of Station 71+16.14 of said centerline of North Marginal Road;

Course II Thence Northeasterly **North 54 degrees 56 minutes 15 seconds East**, a distance of **145.67 feet** to a point, 48.00 feet left of Station 72+63.30 of said centerline of North Marginal Road;

Course III Thence Northeasterly along the arc of a curve deflecting to the left, **318.49 feet** said curve having a radius of **2845.29** feet, a delta of **06 degrees 24 minutes 48 seconds** and a chord which bears **North 51 degrees 44 minutes 45 seconds East**, a distance of **318.32 feet** to a point at 48.03 feet left of Station 75+85.66 of said centerline of North Marginal Road;

Course IV Thence Southeasterly **South 32 degrees 37 minutes 47 seconds East**, to said Northerly right-of-way line of North Marginal Road a distance of **14.84 feet** to a point, 33.37 feet left of Station 75+83.35 of said centerline of North Marginal Road;

The following two (2) Courses are along the Northerly right-of-way line of said North Marginal Road as follows;

Course IV Thence Southwesterly along the arc of a curve deflecting to the right, **316.34 feet** said curve having a radius of **2852.86** feet, a delta of **06 degrees 21 minutes 12 seconds** and a chord which bears **South 51 degrees 45 minutes 39 seconds West**, a distance of **316.18 feet** to a point, 33.37 feet left of Station 72+63.31 of said centerline of North Marginal Road;

Course V Thence Southwesterly **South 54 degrees 56 minutes 13 seconds West**, a distance of **147.22 feet** to the **Place of Beginning** and containing **0.156 acres (6,792 sq.ft.)** of land, more or less which is part of Cuyahoga County Auditor's Permanent Parcel #102-02-011;

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Basis of Bearing for this legal description is the centerline of North Marginal Road (width varies) as evidenced by monuments found and is the same as calculated and reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network.

The stations referred to herein are from the existing centerline of construction of North Marginal Road in the City of Cleveland, Cuyahoga County, Ohio, as shown on the Centerline Schematic Plan (Sheet 2-7) of the "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as recorded in AFN _____ of Cuyahoga County Map Records as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023;

This description was prepared under the supervision of and reviewed by Donald F. Sheehy, P.S. #7849 from surveys made under the supervision of Donald F. Sheehy, P.S. #7849 for Chagrin Valley Engineering, Ltd. in conjunction with "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023 for the County of Cuyahoga, State of Ohio.

**PARCEL #3-T
CUY - NORTH MARGINAL CONNECTOR
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
DRIVE CONSTRUCTION, PATH REMOVAL, GRADING & LANDSCAPING
FOR 24 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

[Surveyor's description of the premises follows below]

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original 10 Acre Lot No.'s 136, and 137 and being a **0.154 acres (6,730 sq.ft.) TEMPORARY EASEMENT #3-T for drive construction, path removal, grading & landscaping** located within a 8.205 acres (auditor) parcel of land within the boundary of Burke Lakefront Airport as conveyed to City Of Cleveland by deed dated July 31, 1975 as recorded in Volume 506, Page 21 of Cuyahoga County Deed Records, within part of Cuyahoga County Auditor's Permanent Parcel #102-02-007 as a lease from the City of Cleveland to Remmert-Werner Inc., and being a parcel of land lying on the right-of-way, being the Northerly right-of-way of North Marginal Road (width varies) and further bounded and described as follows;

Beginning at a point in the Northerly right-of-way line of North Marginal Road (width varies) at 33.37 feet left of Station 75+83.35 of the existing centerline of North Marginal Road and the **Place of Beginning** of the premises herein intended to be described;

Course I Thence Northwesterly **North 32 degrees 37 minutes 47 seconds West**, a distance of **14.84 feet** to a point at 48.03 feet left of Station 75+85.66 of said centerline of North Marginal Road;

Course II Thence Northeasterly **North 47 degrees 54 minutes 12 seconds East**, a distance of **63.15 feet** to a point, 48.03 feet left of Station 76+49.88 of said centerline of North Marginal Road;

Course III Thence Southeasterly **South 42 degrees 43 minutes 57 seconds East**, a distance of **1.00 feet** to a point, 47.03 feet left of Station 76+49.88 of said centerline of North Marginal Road;

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Course IV Thence Northeasterly **North 47 degrees 15 minutes 00 seconds East**, a distance of **117.99 feet** to a point, 44.61 feet left of Station 77+69.76 of said centerline of North Marginal Road;

Course V Thence Northeasterly **North 42 degrees 05 minutes 13 seconds East**, a distance of **50.00 feet** to a point, 46.61 feet left of Station 78+20.52 of said centerline of North Marginal Road;

Course VI Thence Northeasterly **North 43 degrees 34 minutes 09 seconds East**, a distance of **54.98 feet** to a point, 46.37 feet left of Station 78+76.40 of said centerline of North Marginal Road;

Course VII Thence Northeasterly **North 42 degrees 46 minutes 00 seconds East**, a distance of **225.79 feet** to a point, 46.37 feet left of Station 81+02.19 of said centerline of North Marginal Road;

Course VIII Thence Southeasterly **South 32 degrees 32 minutes 12 seconds East**, to said Northerly right-of-way line of North Marginal Road a distance of **13.44 feet** to a point, 33.37 feet left of Station 80+98.78 of said centerline of North Marginal Road;

The following two (2) Courses are along the Northerly right-of-way line of said North Marginal Road as follows;

Course IX Thence Southwesterly **South 42 degrees 46 minutes 00 seconds West**, a distance of **222.38 feet** to a point, 33.37 feet left of Station 78+76.40 of said centerline of North Marginal Road;

Course X Thence Southwesterly along the arc of a curve deflecting to the right, **289.66 feet** said curve having a radius of **2852.86 feet**, a delta of **05 degrees 49 minutes 03 seconds** and a chord which bears **South 45 degrees 40 minutes 31 seconds West**, a distance of **289.54 feet** to the **Place of Beginning** and containing **0.154 acres (6,730 sq.ft.)** of land, more or less which is part of Cuyahoga County Auditor's Permanent Parcel #102-02-007;

Basis of Bearing for this legal description is the centerline of North Marginal Road (width varies) as evidenced by monuments found and is the same as calculated and reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network.

The stations referred to herein are from the existing centerline of construction of North Marginal Road in the City of Cleveland, Cuyahoga County, Ohio, as shown on the Centerline Schematic Plan (Sheet 2-7) of the "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as recorded in AFN _____ of Cuyahoga County Map Records as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023;

This description was prepared under the supervision of and reviewed by Donald F. Sheehy, P.S. #7849 from surveys made under the supervision of Donald F. Sheehy, P.S. #7849 for Chagrin Valley Engineering, Ltd. in conjunction with "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023 for the County of Cuyahoga, State of Ohio.

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**PARCEL #4-T
CUY - NORTH MARGINAL CONNECTOR
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
DRIVE CONSTRUCTION, PATH REMOVAL, GRADING & LANDSCAPING
FOR 24 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

[Surveyor's description of the premises follows below]

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original 10 Acre Lot No.'s 138, 139, and 140 and being a **0.120 acres (5,213 sq.ft.) TEMPORARY EASEMENT #4-T for drive construction, path removal, grading & landscaping** located within a 4.84 acres (auditor) parcel of land within the boundary of Burke Lakefront Airport as conveyed to City Of Cleveland within part of Cuyahoga County Auditor's Permanent Parcel #102-03-003 as a lease from the City of Cleveland to Business Aircraft Center, and being a parcel of land lying on the right-of-way, being the Northerly right-of-way of North Marginal Road (width varies) and further bounded and described as follows;

Beginning at a point in the Northerly right-of-way line of North Marginal Road (width varies) at 33.37 feet left of Station 84+83.40 of the existing centerline of North Marginal Road and the **Place of Beginning** of the premises herein intended to be described;

Course I Thence Northwesterly **North 32 degrees 38 minutes 36 seconds West**, a distance of **13.42 feet** to a point at 46.37 feet left of Station 84+86.70 of said centerline of North Marginal Road;

Course II Thence Northeasterly along the arc of a curve deflecting to the right, **61.75 feet** said curve having a radius of **3026.80** feet, a delta of **01 degrees 10 minutes 09 seconds** and a chord which bears **North 43 degrees 34 minutes 31 seconds East**, a distance of **61.74 feet** to a point, 46.36 feet left of Station 85+47.49 of said centerline of North Marginal Road;

Course III Thence Northeasterly **North 47 degrees 00 minutes 00 seconds East**, a distance of **199.99 feet** to a point, 43.03 feet left of Station 87+44.53 of said centerline of North Marginal Road;

Course IV Thence Northeasterly **North 48 degrees 30 minutes 00 seconds East**, a distance of **173.60 feet** to a point, 46.35 feet left of Station 89+15.55 of said centerline of North Marginal Road;

Course V Thence Northeasterly along the arc of a curve deflecting to the right, **41.99 feet** said curve having a radius of **3020.56** feet, a delta of **00 degrees 47 minutes 47 seconds** and a chord which bears **North 51 degrees 37 minutes 51 seconds East**, a distance of **41.99 feet** to a point, 46.35 feet left of Station 89+56.89 of said centerline of North Marginal Road;

Course VI Thence Southeasterly **South 32 degrees 38 minutes 36 seconds East**, to said Northerly right-of-way line of North Marginal Road a distance of **13.03 feet** to a point, 33.37 feet left of Station 89+55.70 of said centerline of North Marginal Road;

Course VII Thence Southwesterly along the Northerly right-of-way line of said North Marginal Road as follows along the arc of a curve deflecting to the right, **477.60 feet** said curve having a radius of **3007.16** feet, a delta of **09 degrees 05 minutes 59 seconds** and a chord which bears **South 47 degrees 27 minutes 52 seconds West**,

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a distance of **477.09 feet** to the **Place of Beginning** and containing **0.120 acres (5,213 sq.ft.)** of land, more or less which is part of Cuyahoga County Auditor's Permanent Parcel #102-03-003;

Basis of Bearing for this legal description is the centerline of North Marginal Road (width varies) as evidenced by monuments found and is the same as calculated and reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network.

The stations referred to herein are from the existing centerline of construction of North Marginal Road in the City of Cleveland, Cuyahoga County, Ohio, as shown on the Centerline Schematic Plan (Sheet 2-7) of the "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as recorded in AFN _____ of Cuyahoga County Map Records as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023;

**PARCEL #5-T
CUY - NORTH MARGINAL CONNECTOR
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
DRIVE CONSTRUCTION, SIDEWALK REMOVAL, FENCE INSTALLATION,
GRADING & LANDSCAPING
FOR 24 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

[Surveyor's description of the premises follows below]

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original 10 Acre Lot No.'s 153, 154, 155, and 156 and being a **0.391 acres (17,032 sq.ft.) TEMPORARY EASEMENT #5-T for drive construction, sidewalk removal, fence installation, grading & landscaping** located within a 15.740 acres (auditor) parcel of land within the boundary land as conveyed to City of Cleveland within part of Cuyahoga County Auditor's Permanent Parcel #104-01-002A, and being a parcel of land lying on the right-of-way, being the Northerly right-of-way of North Marginal Road (width varies) and further bounded and described as follows;

Beginning at a point in the Northerly right-of-way line of North Marginal Road (width varies) at 39.00 feet left of Station 137+38.62 of the existing centerline of North Marginal Road and the **Place of Beginning** of the premises herein intended to be described;

Course I Thence Northwesterly **North 32 degrees 46 minutes 43 seconds West**, a distance of **65.06 feet** to a point at 103.99 feet left of Station 137+41.46 of said centerline of North Marginal Road;

Course II Thence Northeasterly **North 54 degrees 43 minutes 13 seconds East**, a distance of **62.10 feet** to a point at 103.99 feet left of Station 138+03.56 of said centerline of North Marginal Road;

Course III Thence Southeasterly **South 35 degrees 16 minutes 47 seconds East**, a distance of **41.60 feet** to a point, 62.40 feet left of Station 138+03.56 of said centerline of North Marginal Road;

Course IV Thence Northeasterly **North 57 degrees 20 minutes 47 seconds East**, a distance of **122.64 feet** to a point, 56.78 feet left of Station 139+26.07 of said centerline of North Marginal Road;

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Course V Thence Northwesterly **North 32 degrees 35 minutes 36 seconds West**, a distance of **32.24 feet** to a point, 88.98 feet left of Station 139+27.58 of said centerline of North Marginal Road;

Course VI Thence Northeasterly **North 57 degrees 30 minutes 31 seconds East**, a distance of **30.88 feet** to a point, 87.48 feet left of Station 139+58.43 of said centerline of North Marginal Road;

Course VII Thence Southeasterly **North 32 degrees 29 minutes 51 seconds East**, a distance of **32.18 feet** to a point, 55.33 feet left of Station 139+56.87 of said centerline of North Marginal Road;

Course VIII Thence Northeasterly **North 57 degrees 24 minutes 35 seconds East**, a distance of **113.78 feet** to a point, 50.00 feet left of Station 140+70.52 of said centerline of North Marginal Road;

Course IX Thence Northwesterly **North 07 degrees 14 minutes 37 seconds West**, a distance of **53.25 feet** to a point, 96.99 feet left of Station 140+95.55 of said centerline of North Marginal Road;

Course X Thence Northwesterly **North 35 degrees 16 minutes 47 seconds West**, a distance of **12.00 feet** to a point, 108.99 feet left of Station 140+95.55 of said centerline of North Marginal Road;

Course XI Thence Northeasterly **North 54 degrees 43 minutes 13 seconds East**, a distance of **75.00 feet** to a point, 108.99 feet left of Station 141+70.55 of said centerline of North Marginal Road;

Course XII Thence Southeasterly **South 35 degrees 16 minutes 47 seconds East**, a distance of **64.99 feet** to a point, 44.00 feet left of Station 141+70.55 of said centerline of North Marginal Road;

Course XIII Thence Northeasterly **North 54 degrees 43 minutes 13 seconds East**, a distance of **240.82 feet** to a point at 44.00 feet left of Station 144+11.37 of said centerline of North Marginal Road;

Course XIV Thence Southeasterly **South 04 degrees 46 minutes 10 seconds East**, to said Northerly right-of-way line of North Marginal Road a distance of **5.80 feet** to a point at 48.00 feet left of Station 144+13.73 of said centerline of North Marginal Road;

Course XIV Thence Southwesterly **South 54 degrees 43 minutes 13 seconds West**, along said Northerly right-of-way line of North Marginal Road a distance of **669.80 feet** to the **Place of Beginning** and containing **0.391 acres (17,032 sq.ft.)** of land, more or less which is part of Cuyahoga County Auditor's Permanent Parcel #104-01-002A;

Basis of Bearing for this legal description is the centerline of North Marginal Road (width varies) as evidenced by monuments found and is the same as calculated and reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network.

The stations referred to herein are from the existing centerline of construction of North Marginal Road in the City of Cleveland, Cuyahoga County, Ohio, as shown on the Centerline Schematic Plan (Sheet 2-7) of the "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as recorded in AFN _____ of Cuyahoga County Map Records as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023;

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This description was prepared under the supervision of and reviewed by Donald F. Sheehy, P.S. #7849 from surveys made under the supervision of Donald F. Sheehy, P.S. #7849 for Chagrin Valley Engineering, Ltd. in conjunction with "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023 for the County of Cuyahoga, State of Ohio.

**PARCEL #6-T
CUY - NORTH MARGINAL CONNECTOR
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
DRIVE CONSTRUCTION, WALK CONSTRUCTION, FENCE & GATE
INSTALLATION, GRADING & LANDSCAPING
FOR 24 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

[Surveyor's description of the premises follows below]

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original 10 Acre Lot No.'s 156, 157, 158, and 159 and being a **0.296 acres (12,983 sq.ft.) TEMPORARY EASEMENT #6-T for drive construction, walk construction, fence & gate installation, grading & landscaping** located within a 11.700 acres (auditor) parcel of land within the boundary land as conveyed to City of Cleveland (Yacht Club Lease) by deed dated November 28, 2000 as recorded in Document No. 200011280660 of Cuyahoga County Deed Records within part of Cuyahoga County Auditor's Permanent Parcel #104-01-002B, and being a parcel of land lying on the right-of-way, being the Northerly right-of-way of North Marginal Road (width varies) and further bounded and described as follows;

Beginning at a point in the Northerly right-of-way line of North Marginal Road (width varies) at 39.00 feet left of Station 144+08.42 of the existing centerline of North Marginal Road and the **Place of Beginning** of the premises herein intended to be described;

Course I Thence Northwesterly **North 04 degrees 46 minutes 10 seconds West**, a distance of **10.44 feet** to a point at 48.00 feet left of Station 144+13.73 of said centerline of North Marginal Road;

Course II Thence Northeasterly **North 54 degrees 43 minutes 13 seconds East**, a distance of **67.80 feet** to a point at 48.00 feet left of Station 144+81.53 of said centerline of North Marginal Road;

Course III Thence Northwesterly **South 35 degrees 16 minutes 47 seconds East**, a distance of **29.00 feet** to a point, 77.00 feet left of Station 144+81.53 of said centerline of North Marginal Road;

Course IV Thence Northeasterly **North 54 degrees 43 minutes 13 seconds East**, a distance of **68.00 feet** to a point, 77.00 feet left of Station 145+49.53 of said centerline of North Marginal Road;

Course V Thence Southeasterly **South 35 degrees 16 minutes 47 seconds East**, a distance of **29.00 feet** to a point, 48.00 feet left of Station 145+49.53 of said centerline of North Marginal Road;

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Course VI Thence Northeasterly **North 54 degrees 43 minutes 13 seconds East**, a distance of **844.97 feet** to a point, 48.00 feet left of Station 153+94.50 of said centerline of North Marginal Road;

Course VII Thence Northeasterly **North 62 degrees 55 minutes 26 seconds East**, a distance of **28.03 feet** to a point, 44.00 feet left of Station 154+22.24 of said centerline of North Marginal Road;

Course VIII Thence Northeasterly **North 54 degrees 43 minutes 12 seconds East**, a distance of **22.79 feet** to a point, 44.00 feet left of Station 154+45.03 of said centerline of North Marginal Road;

Course IX Thence Northeasterly **North 35 degrees 56 minutes 41 seconds East**, a distance of **33.43 feet** to a point, 54.76 feet left of Station 154+76.69 of said centerline of North Marginal Road;

Course X Thence Northeasterly **North 03 degrees 22 minutes 48 seconds East**, a distance of **13.11 feet** to a point, 64.99 feet left of Station 154+84.87 of said centerline of North Marginal Road;

Course XI Thence Northeasterly **North 54 degrees 43 minutes 13 seconds East**, a distance of **42.30 feet** to a point, 64.99 feet left of Station 155+27.17 of said centerline of North Marginal Road;

Course XII Thence Southeasterly **South 70 degrees 16 minutes 47 seconds East**, a distance of **26.85 feet** to a point, 43.00 feet left of Station 155+42.57 of said centerline of North Marginal Road;

Course XIII Thence Northeasterly **North 54 degrees 43 minutes 13 seconds East**, a distance of **7.06 feet** to a point at 43.00 feet left of Station 155+49.63 of said centerline of North Marginal Road;

Course XIV Thence Southeasterly **South 02 degrees 33 minutes 56 seconds East**, to said Northerly right-of-way line of North Marginal Road a distance of **4.75 feet** to a point at 39.00 feet left of Station 155+47.06 of said centerline of North Marginal Road;

Course XIV Thence Southwesterly **South 54 degrees 43 minutes 13 seconds West**, along said Northerly right-of-way line of North Marginal Road a distance of **1,138.64 feet** to the **Place of Beginning** and containing **0.296 acres (12,983 sq.ft.)** of land, more or less which is part of Cuyahoga County Auditor's Permanent Parcel #104-01-002B;

Basis of Bearing for this legal description is the centerline of North Marginal Road (width varies) as evidenced by monuments found and is the same as calculated and reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network.

The stations referred to herein are from the existing centerline of construction of North Marginal Road in the City of Cleveland, Cuyahoga County, Ohio, as shown on the Centerline Schematic Plan (Sheet 2-7) of the "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as recorded in AFN _____ of Cuyahoga County Map Records as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023;

This description was prepared under the supervision of and reviewed by Donald F. Sheehy, P.S. #7849 from surveys made under the supervision of Donald F. Sheehy, P.S. #7849 for Chagrin Valley Engineering, Ltd. in conjunction with "Improvement Plans for

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CUY - NORTH MARGINAL CONNECTOR” as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023 for the County of Cuyahoga, State of Ohio.

**PARCEL #7-T
CUY - NORTH MARGINAL CONNECTOR
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
GRADING & LANDSCAPING
FOR 24 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

[Surveyor’s description of the premises follows below]

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original 10 Acre Lot No.’s 159, 160, 161, and 162 and being a **0.016 acres (696 sq.ft.) TEMPORARY EASEMENT #7-T for grading & landscaping** located within a 11.620 acres (auditor) parcel of land within the boundary land as conveyed to City of Cleveland (Lakeside Yacht Club) by deed dated January 08, 2016 as recorded in Document No. 201601080281 of Cuyahoga County Deed Records within part of Cuyahoga County Auditor’s Permanent Parcel #104-02-001, and being a parcel of land lying on the right-of-way, being the Northerly right-of-way of North Marginal Road (width varies) and further bounded and described as follows;

Beginning at a point in the Northerly right-of-way line of North Marginal Road (width varies) at 39.00 feet left of Station 155+47.06 of the existing centerline of North Marginal Road and the **Place of Beginning** of the premises herein intended to be described;

Course I Thence Northwesterly **North 02 degrees 33 minutes 56 seconds West**, a distance of **4.75 feet** to a point at 43.00 feet left of Station 155+49.63 of said centerline of North Marginal Road;

Course II Thence Northeasterly **North 54 degrees 43 minutes 13 seconds East**, a distance of **172.84 feet** to a point at 43.00 feet left of Station 157+22.46 of said centerline of North Marginal Road;

Course III Thence Southeasterly **South 35 degrees 16 minutes 48 seconds East**, to said Northerly right-of-way line of North Marginal Road a distance of **4.00 feet** to a point at 39.00 feet left of Station 157+22.46 of said centerline of North Marginal Road;

Course XIV Thence Southwesterly **South 54 degrees 43 minutes 13 seconds West**, along said Northerly right-of-way line of North Marginal Road a distance of **175.41 feet** to the **Place of Beginning** and containing **0.016 acres (696 sq.ft.)** of land, more or less which is part of Cuyahoga County Auditor’s Permanent Parcel #104-02-001;

Basis of Bearing for this legal description is the centerline of North Marginal Road (width varies) as evidenced by monuments found and is the same as calculated and reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network.

The stations referred to herein are from the existing centerline of construction of North Marginal Road in the City of Cleveland, Cuyahoga County, Ohio, as shown on the Centerline Schematic Plan (Sheet 2-7) of the “Improvement Plans for CUY - NORTH MARGINAL CONNECTOR” as recorded in AFN _____ of

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Cuyahoga County Map Records as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023;

This description was prepared under the supervision of and reviewed by Donald F. Sheehy, P.S. #7849 from surveys made under the supervision of Donald F. Sheehy, P.S. #7849 for Chagrin Valley Engineering, Ltd. in conjunction with "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023 for the County of Cuyahoga, State of Ohio.

**PARCEL #9-T1
CUY - NORTH MARGINAL CONNECTOR
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
GRADING & LANDSCAPING
FOR 24 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

[Surveyor's description of the premises follows below]

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original 10 Acre Lot No. 163, 164 and 165 and being a **0.029 acres (1,272 sq.ft.) TEMPORARY EASEMENT #9-T1 for grading & landscaping** located within a 8.359 acres (auditor) parcel of land within the boundary land as conveyed to City of Cleveland by deed dated June 06, 2013 as recorded in Document No. 201306060592 of Cuyahoga County Deed Records within part of Cuyahoga County Auditor's Permanent Parcel #104-02-012A, and being a parcel of land lying on the right-of-way, being the Northerly right-of-way of North Marginal Road (width varies) and further bounded and described as follows;

Beginning at a point in the Northerly right-of-way line of North Marginal Road (width varies) at 39.00 feet left of Station 167+80.12 of the existing centerline of North Marginal Road and the **Place of Beginning** of the premises herein intended to be described;

Course I Thence Northwesterly **North 33 degrees 36 minutes 46 seconds West**, a distance of **9.37 feet** to a point at 48.36 feet left of Station 167+80.40 of said centerline of North Marginal Road;

Course II Thence Northeasterly **North 54 degrees 43 minutes 13 seconds East**, a distance of **54.01 feet** to a point at 48.36 feet left of Station 168+34.41 of said centerline of North Marginal Road;

Course III Thence Northeasterly **North 58 degrees 00 minutes 00 seconds East**, to said Northerly right-of-way line of North Marginal Road a distance of **163.64 feet** to a point at 39.00 feet left of Station 169+97.78 of said centerline of North Marginal Road;

Course IV Thence Southwesterly **South 54 degrees 43 minutes 13 seconds West**, along said Northerly right-of-way line of North Marginal Road a distance of **217.66 feet** to the **Place of Beginning** and containing **0.029 acres (1,272 sq.ft.)** of land, more or less which is part of Cuyahoga County Auditor's Permanent Parcel #104-02-012A;

Basis of Bearing for this legal description is the centerline of North Marginal Road (width varies) as evidenced by monuments found and is the same as calculated and

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reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network.

The stations referred to herein are from the existing centerline of construction of North Marginal Road in the City of Cleveland, Cuyahoga County, Ohio, as shown on the Centerline Schematic Plan (Sheet 2-7) of the "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as recorded in AFN _____ of Cuyahoga County Map Records as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023;

This description was prepared under the supervision of and reviewed by Donald F. Sheehy, P.S. #7849 from surveys made under the supervision of Donald F. Sheehy, P.S. #7849 for Chagrin Valley Engineering, Ltd. in conjunction with "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023 for the County of Cuyahoga, State of Ohio.

**PARCEL #9-T2
CUY - NORTH MARGINAL CONNECTOR
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
DRIVE CONSTRUCTION, GRADING & LANDSCAPING
FOR 24 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

[Surveyor's description of the premises follows below]

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original 10 Acre Lot No. 163, 164 and 165 being a **0.027 acres (1,272 sq.ft.)** **TEMPORARY EASEMENT #9-T2 for drive construction, grading & landscaping** located within a 8.359 acres (auditor) parcel of land within the boundary land as conveyed to City of Cleveland by deed dated June 06, 2013 as recorded in Document No. 201306060592 of Cuyahoga County Deed Records within part of Cuyahoga County Auditor's Permanent Parcel #104-02-012A, and being a parcel of land lying on the right-of-way, being the Northerly right-of-way of North Marginal Road (width varies) and further bounded and described as follows;

Beginning at a point in the Northerly right-of-way line of North Marginal Road (width varies) at 39.00 feet left of Station 173+48.56 of the existing centerline of North Marginal Road and the **Place of Beginning** of the premises herein intended to be described;

Course I Thence Northeasterly **North 43 degrees 00 minutes 00 seconds East**, a distance of **59.07 feet** to a point at 51.00 feet left of Station 174+06.40 of said centerline of North Marginal Road;

Course II Thence Northeasterly **North 54 degrees 43 minutes 13 seconds East**, a distance of **68.97 feet** to a point at 51.00 feet left of Station 174+75.37 of said centerline of North Marginal Road;

Course III Thence Southeasterly **South 35 degrees 16 minutes 46 seconds East**, to said Northerly right-of-way line of North Marginal Road a distance of **12.00 feet** to a point at 39.00 feet left of Station 174+75.37 of said centerline of North Marginal Road;

Course IV Thence Southwesterly **South 54 degrees 43 minutes 13 seconds West**, along said Northerly right-of-way line of North Marginal Road a distance of

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126.81 feet to the **Place of Beginning** and containing **0.027 acres (1,272 sq.ft.)** of land, more or less which is part of Cuyahoga County Auditor's Permanent Parcel #104-02-012A;

Basis of Bearing for this legal description is the centerline of North Marginal Road (width varies) as evidenced by monuments found and is the same as calculated and reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network.

The stations referred to herein are from the existing centerline of construction of North Marginal Road in the City of Cleveland, Cuyahoga County, Ohio, as shown on the Centerline Schematic Plan (Sheet 2-7) of the "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as recorded in AFN _____ of Cuyahoga County Map Records as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023;

This description was prepared under the supervision of and reviewed by Donald F. Sheehy, P.S. #7849 from surveys made under the supervision of Donald F. Sheehy, P.S. #7849 for Chagrin Valley Engineering, Ltd. in conjunction with "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023 for the County of Cuyahoga, State of Ohio.

**PARCEL #10-T1
CUY - NORTH MARGINAL CONNECTOR
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
DRIVE CONSTRUCTION, GRADING & LANDSCAPING
FOR 24 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

[Surveyor's description of the premises follows below]

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original 10 Acre Lot No.'s 165 and 166 being a **0.101 acres (4,412 sq.ft.)** **TEMPORARY EASEMENT #10-T1 for drive construction, grading & landscaping** located within a 5.884 acres (auditor) parcel of land within the boundary land as conveyed to City of Cleveland (Marina Lease) as recorded in Lease Volume 357, Page 200 of Cuyahoga County Records, within part of Cuyahoga County Auditor's Permanent Parcel #104-02-012A, and being a parcel of land lying on the right-of-way, being the Northerly right-of-way of North Marginal Road (width varies) and further bounded and described as follows;

Beginning at a point in the Northerly right-of-way line of North Marginal Road (width varies) at 39.00 feet left of Station 174+93.33 of the existing centerline of North Marginal Road and the **Place of Beginning** of the premises herein intended to be described;

Course I Thence Northwesterly **North 28 degrees 01 minutes 46 seconds West**, a distance of **12.60 feet** to a point at 51.50 feet left of Station 174+94.92 of said centerline of North Marginal Road;

Course II Thence Northeasterly **North 54 degrees 43 minutes 13 seconds East**, a distance of **219.94 feet** to a point at 51.50 feet left of Station 177+14.86 of said centerline of North Marginal Road;

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Course III Thence Northwesterly **North 35 degrees 16 minutes 46 seconds West**, a distance of **6.50 feet** to a point at 58.00 feet left of Station 177+14.86 of said centerline of North Marginal Road;

Course IV Thence Northeasterly **North 54 degrees 43 minutes 13 seconds East**, a distance of **87.00 feet** to a point at 58.00 feet left of Station 178+01.86 of said centerline of North Marginal Road;

Course V Thence Southeasterly **South 35 degrees 16 minutes 46 seconds East**, to said Northerly right-of-way line of North Marginal Road a distance of **19.00 feet** to a point at 39.00 feet left of Station 178+01.86 of said centerline of North Marginal Road;

Course VI Thence Southwesterly **South 54 degrees 43 minutes 13 seconds West**, along said Northerly right-of-way line of North Marginal Road a distance of **126.81 feet** to the **Place of Beginning** and containing **0.101 acres (4,412 sq.ft.)** of land, more or less which is part of Cuyahoga County Auditor's Permanent Parcel #104-02-012A;

Basis of Bearing for this legal description is the centerline of North Marginal Road (width varies) as evidenced by monuments found and is the same as calculated and reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network.

The stations referred to herein are from the existing centerline of construction of North Marginal Road in the City of Cleveland, Cuyahoga County, Ohio, as shown on the Centerline Schematic Plan (Sheet 2-7) of the "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as recorded in AFN _____ of Cuyahoga County Map Records as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023;

This description was prepared under the supervision of and reviewed by Donald F. Sheehy, P.S. #7849 from surveys made under the supervision of Donald F. Sheehy, P.S. #7849 for Chagrin Valley Engineering, Ltd. in conjunction with "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023 for the County of Cuyahoga, State of Ohio.

**PARCEL #10-T2
CUY - NORTH MARGINAL CONNECTOR
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
DRIVE CONSTRUCTION, GRADING & LANDSCAPING
FOR 24 MONTHS FROM THE DATE OF ENTRY BY THE
COUNTY OF CUYAHOGA, OHIO**

[Surveyor's description of the premises follows below]

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original 10 Acre Lot No.'s 165 and 166 being a **0.016 acres (676 sq.ft.) TEMPORARY EASEMENT #10-T2 for drive construction, grading & landscaping** located within a 5.884 acres (auditor) parcel of land within the boundary land as conveyed to City of Cleveland (Marina Lease) as recorded in Lease Volume 357, Page 200 of Cuyahoga County Records, within part of Cuyahoga County Auditor's Permanent Parcel #104-02-012A, and being a parcel of land lying on the right-of-way, being the Northerly right-of-way of North Marginal Road (width varies) and further bounded and described as follows;

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Beginning at a point in the Northerly right-of-way line of North Marginal Road (width varies) at 39.00 feet left of Station 179+83.35 of the existing centerline of North Marginal Road and the **Place of Beginning** of the premises herein intended to be described;

Course I Thence Northwesterly **North 35 degrees 16 minutes 47 seconds West**, a distance of **12.00 feet** to a point at 51.00 feet left of Station 179+83.35 of said centerline of North Marginal Road;

Course II Thence Northeasterly **North 54 degrees 43 minutes 13 seconds East**, a distance of **57.43 feet** to a point at 51.00 feet left of Station 180+40.77 of said centerline of North Marginal Road;

Course III Thence Southeasterly **South 24 degrees 58 minutes 29 seconds East**, to said Northerly right-of-way line of North Marginal Road a distance of **12.20 feet** to a point at 39.00 feet left of Station 180+38.59 of said centerline of North Marginal Road;

Course IV Thence Southwesterly **South 54 degrees 43 minutes 13 seconds West**, along said Northerly right-of-way line of North Marginal Road a distance of **55.25 feet** to the **Place of Beginning** and containing **0.016 acres (676 sq.ft.)** of land, more or less which is part of Cuyahoga County Auditor's Permanent Parcel #104-02-012A;

Basis of Bearing for this legal description is the centerline of North Marginal Road (width varies) as evidenced by monuments found and is the same as calculated and reproduced based on the Ohio Plane Coordinate System, NAD 83, North Zone by ties to the O.D.O.T. Network.

The stations referred to herein are from the existing centerline of construction of North Marginal Road in the City of Cleveland, Cuyahoga County, Ohio, as shown on the Centerline Schematic Plan (Sheet 2-7) of the "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as recorded in AFN _____ of Cuyahoga County Map Records as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023;

This description was prepared under the supervision of and reviewed by Donald F. Sheehy, P.S. #7849 from surveys made under the supervision of Donald F. Sheehy, P.S. #7849 for Chagrin Valley Engineering, Ltd. in conjunction with "Improvement Plans for CUY - NORTH MARGINAL CONNECTOR" as prepared by Michael Baker International and Chagrin Valley Engineering, Ltd. in 2023 for the County of Cuyahoga, State of Ohio.

Section 12. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described temporary easements to the County and/or its designee subject to any conditions stated in this ordinance at a price of one dollar and other valuable considerations, which is determined to be fair market value.

Section 13. That the temporary easements shall be non-exclusive and the purpose of the easements shall be for construction of the Improvement.

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Section 14. That the duration of the temporary easement shall be until construction of the Improvement is completed; that the temporary easements may include reasonable right-of-entry rights to the City; that the temporary easements shall not be assignable without the consent of the the appropriate director; that the temporary easements shall require that the County pay any applicable taxes and assessments.

Section 15. That the conveyances referred to above shall be made by official deeds of temporary easement prepared by the Director of Law and executed by the appropriate director on behalf of the City of Cleveland. The deeds of temporary easement shall contain any additional terms and conditions as are required to protect the interest of the City. The appropriate director and the Director of Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to construct the Improvement.

Section 16. That the Director of Capital Projects, Port Control, and/or Public Works, as appropriate, are authorized to enter into one or more agreements with the Metroparks regarding maintenance and repair of the Improvement after construction, including but not limited to, removal of trash and snow, as well as patrolling the Improvement, for a term not to exceed twenty years, with five 20-year options to renew, exercisable by Metroparks.

Section 17. That the Director of Capital Projects, Port Control, and/or Public Works, as appropriate, are authorized to enter into one or more agreements with the owners and tenants north of the Improvement Area to allow egress over the Improvement to North Marginal Road.

Section 18. That Director of Capital Projects, Port Control, and/or Public Works, and other appropriate City officials, as appropriate, are authorized to enter into any other agreements necessary to effectuate the Improvement and to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to implement this ordinance.

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Section 19. That the cost of the agreement authorized in Section 1 of this ordinance shall not exceed \$130,000 and is payable from Fund Nos. 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586, 20 SF 592, 20 SF 597, 20 SF 702, 20 SF 712, 20 SF 718, from the fund or funds to which are credited the proceeds from the sale of future bonds, if authorized for this purpose, and from any other funds approved by the Director of Finance. (RQS 0103, RLA 2024-24)

Section 20. 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.

SM:nl
2-26-2024
FOR: Directors DeRosa, Francis, and Williams

