

# Ordinance No. 688-2026

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

## AN EMERGENCY ORDINANCE

Authorizing the Director of Parks and Recreation to execute various deeds of easement granting to the Northeast Ohio Regional Sewer District certain easement rights at or under several City-owned properties at Emery Park and Estabrook Park for the Northeast Ohio Regional Sewer District's Big Creek Storage Tunnel Project; and declaring the easement rights not needed for the City's public use.

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WHEREAS, the Northeast Ohio Regional Sewer District ("NEORSD") began an infrastructure program in 2011 called Project Clean Lake with the goal of reducing combined sewer overflow ("CSO") into Lake Erie and other local waterways in the Greater Cleveland area by 4.5 billion gallons consisting, in part, of the construction of large diameter CSO storage tunnels; and

WHEREAS, NEORSD's Big Creek Storage Tunnel Project ("BCT") is the final large diameter CSO to be built as part of Project Clean Lake, the planned path of which runs between fifty and one hundred feet underneath several City-owned properties located at Emery Park and Estabrook Park, designated as Permanent Parcel Numbers Nos. 013-20-062 and 022-17-013 in the records of Cuyahoga County, Ohio; and

WHEREAS, the BCT will capture and store a combination of sanitary sewage and stormwater from 11 CSO outfalls, reducing the CSO volume discharged to the Big Creek Watershed by 550 million gallons annually; and

WHEREAS, NEORSD is seeking from the City three permanent surface easements, four permanent subterranean easements and three temporary easements at or under several City-owned properties at Emery Park and Estabrook Park in order to have access to the BCT area for construction and future maintenance of the BCT; and

WHEREAS, NEORSD has requested the City through its Director of Parks and Recreation to convey certain permanent and temporary easement rights in property located within various City owned properties and known as Permanent Parcel Nos. 013-20-062 and 022-17-013; 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 Surface Easement**  
**013-20-062-BCT-P1**  
**0.1177 Acres**

**Situated** in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 44. Also being part of the land conveyed to the City of Cleveland as recorded in Certificate of Title No. 63148 of the Cuyahoga County Records, being more definitely described as follows;

**Commencing** at a point in the easterly right of way of Fulton Road (86.00 feet wide) at the southwesterly corner of said land conveyed to the City of Cleveland;

Thence, along the easterly right of way of Fulton Road, North 00° 55' 08" West, 304.86 feet to the **True Point of Beginning** for the easement herein described;

Thence, continuing along the easterly right of way of Fulton Road, North 00° 55' 08" West, 55.02 feet;

Thence, continuing along the easterly right of way of Fulton Road, along the arc of a curve which deflects to the right, 32.48 feet to the southerly right of way Shadyside Avenue (50.00 feet wide), said curve having a radius of 20.76 feet, a central angle of 89° 39' 11", and a chord of 29.27 feet which bears North 43° 54' 27" East;

Thence, along the southerly right of way Shadyside Avenue, North 88° 44' 03" East, 48.28 feet;

Thence, leaving the southerly right of way Shadyside Avenue, South 00° 03' 02" West, 77.20 feet;

Thence, North 89° 58' 30" West, 67.61 feet to the point of beginning.

Containing within said bounds 0.1177 acres (5,125 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in February, 2025.

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

**Permanent Subterranean Easement**  
**013-20-062-BCT-P2**  
**0.0518 Acres**

**Situated** in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 44. Also being part of the land conveyed to the City of Cleveland as recorded in Certificate of Title No. 63148 of the Cuyahoga County Records, being more definitely described as follows;

**Commencing** at a point in the easterly right of way of Fulton Road (86.00 feet wide) at the southwesterly corner of said land conveyed to the City of Cleveland;

Thence, along the easterly right of way of Fulton Road, North 00° 55' 08" West, 151.48 feet to the **True Point of Beginning** for the easement herein described;

Thence, continuing along the easterly right of way of Fulton Road, North 00° 55' 08" West, 86.29 feet;

Thence, leaving the easterly right of way of Fulton Road, North 12° 29' 01" East, 68.70 feet;

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Thence, South 89° 58' 30" East, 20.48 feet;

Thence, South 12° 29' 01" West, 157.06 feet to the point of beginning.

Containing within said bounds 0.0518 acres (2,258 square feet) of land and having a lower elevation of 666.65 (67 feet below ground surface) and an upper elevation of 681.65 (52 feet below ground surface) as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in February, 2025. Depths below ground surface indicated in parentheses are approximate and are based on existing ground surface elevations as of April, 2024.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North. Elevations are based on NAVD88 vertical datum.

## **Permanent Subterranean Easement**

**013-20-062-BCT-P3**

**0.0024 Acres**

**Situated** in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 44. Also being part of the land conveyed to the City of Cleveland as recorded in Certificate of Title No. 63148 of the Cuyahoga County Records, being more definitely described as follows;

**Commencing** at a point in the southerly right of way of Shadyside Avenue (50.00 feet wide) at the northeasterly corner of said land conveyed to the City of Cleveland;

Thence, along the southerly right of way of Shadyside Avenue, South 88° 44' 03" West, 290.85 feet to the **True Point of Beginning** for the easement herein described;

Thence, leaving the southerly right of way of Shadyside Avenue, South 37° 09' 43" West, 21.03 feet;

Thence, North 00° 03' 02" East, 16.48 feet to the southerly right of way of Shadyside Avenue;

Thence, along the southerly right of way of Shadyside Avenue, North 88° 44' 03" East, 12.69 feet to the point of beginning.

Containing within said bounds 0.0024 acres (105 square feet) of land and having a lower elevation of 676.78 (56 feet below ground surface) and an upper elevation of 684.28 (49 feet below ground surface) as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in February, 2025. Depths below ground surface indicated in parentheses are approximate and are based on existing ground surface elevations as of April, 2024.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North. Elevations are based on NAVD88 vertical datum.

## **Permanent Surface Easement**

**013-20-062-BCT-P4**

**0.0005 Acres**

**Situated** in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 44. Also being part of the land conveyed to the City of Cleveland as recorded in Certificate of Title No. 63148 of the Cuyahoga County Records, being more definitely described as follows;

**Commencing** at a point in the southerly right of way of Shadyside Avenue (50.00 feet wide) at the northeasterly corner of said land conveyed to the City of Cleveland;

Thence, along the southerly right of way of Shadyside Avenue, South 88° 44' 03" West, 284.80 feet to the **True Point of Beginning** for the easement herein described;

Thence, leaving the southerly right of way of Shadyside Avenue, South 00° 00' 00" East, 3.33 feet;

Thence, North 90° 00' 00" West, 8.46 feet;

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Thence, North 37° 09' 43" East, 4.01 feet to the southerly right of way of Shadyside Avenue;

Thence, along the southerly right of way of Shadyside Avenue, North 88° 44' 03" East, 6.04 feet to the point of beginning.

Containing within said bounds 0.0005 acres (24 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in February, 2025.

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

## **Permanent Subterranean Easement**

**022-17-013-BCT-P1**

**0.1336 Acres**

**Situated** in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Parcel No. 2 of Lot Split Plat of Original Rockport Township Section No. 10 as recorded in Volume 343, Page 85 of the Cuyahoga County Map Records. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 6873, Page 294 of the Cuyahoga County Records, being more definitely described as follows;

**Commencing** at the intersection of the southerly right of way of Emery Avenue (25.00 feet wide) and the westerly right of way of W. 130<sup>th</sup> Street (width varies);

Thence, along the southerly right of way of Emery Avenue, North 88° 58' 26" West, 67.57 feet to the **True Point of Beginning** for the easement herein described;

Thence, leaving the southerly right of way of Emery Avenue, South 69° 09' 30" West, 252.22 feet;

Thence, along the arc of a curve which deflects to the left, 28.96 feet, said curve having a radius of 22.50 feet, a central angle of 73° 44' 23", and a chord of 27.00 feet which bears North 20° 50' 30" West;

Thence, North 69° 09' 30" East, 184.95 feet;

Thence, South 88° 58' 26" East, 72.49 feet to the point of beginning.

Containing within said bounds 0.1336 acres (5,819 square feet) of land and having a lower elevation of 668.92 (93 feet below ground surface) and an upper elevation of 698.92 (63 feet below ground surface) as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in February, 2025. Depths below ground surface indicated in parentheses are approximate and are based on existing ground surface elevations as of April, 2024.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North. Elevations are based on NAVD88 vertical datum.

## **Permanent Surface Easement**

**022-17-013-BCT-P2**

**0.0365 Acres**

**Situated** in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Parcel No. 2 of Lot Split Plat of Original Rockport Township Section No. 10 as recorded in Volume 343, Page 85 of the Cuyahoga County Map Records. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 6873, Page 294 of the Cuyahoga County Records, being more definitely described as follows;

**Commencing** at the intersection of the southerly right of way of Emery Avenue (25.00 feet wide) and the westerly right of way of W. 130<sup>th</sup> Street (width varies);

Thence, along the southerly right of way of Emery Avenue, North 88° 58' 26" West, 67.57 feet;

Thence, leaving the southerly right of way of Emery Avenue, South 69° 09' 30" West, 252.22 feet to the **True Point of Beginning** for the easement herein described;

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Thence, along the arc of a curve which deflects to the right, 45.84 feet, said curve having a radius of 22.50 feet, a central angle of  $116^{\circ} 44' 32''$ , and a chord of 38.32 feet which bears South  $74^{\circ} 23' 58''$  West;

Thence, along the arc of a curve which deflects to the right, 95.53 feet, said curve having a radius of 22.50 feet, a central angle of  $243^{\circ} 15' 28''$ , and a chord of 38.32 feet which bears North  $74^{\circ} 23' 58''$  East to the point of beginning.

Containing within said bounds 0.0365 acres (1,590 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in February, 2025.

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

## **Permanent Subterranean Easement**

**022-17-013-BCT-P3**

**0.0598 Acres**

**Situated** in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Parcel No. 2 of Lot Split Plat of Original Rockport Township Section No. 10 as recorded in Volume 343, Page 85 of the Cuyahoga County Map Records. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 6873, Page 294 of the Cuyahoga County Records, being more definitely described as follows;

**Commencing** at the intersection of the southerly right of way of Emery Avenue (25.00 feet wide) and the westerly right of way of W. 130<sup>th</sup> Street (width varies);

Thence, along the southerly right of way of Emery Avenue, North  $88^{\circ} 58' 26''$  West, 67.57 feet;

Thence, leaving the southerly right of way of Emery Avenue, South  $69^{\circ} 09' 30''$  West, 252.22 feet;

Thence, along the arc of a curve which deflects to the right, 45.84 feet to the **True Point of Beginning** for the easement herein described, said curve having a radius of 22.50 feet, a central angle of  $116^{\circ} 44' 32''$ , and a chord of 38.32 feet which bears South  $74^{\circ} 23' 58''$  West;

Thence, South  $69^{\circ} 09' 30''$  West, 131.84 feet;

Thence, North  $20^{\circ} 50' 30''$  West, 20.00 feet;

Thence, North  $69^{\circ} 09' 30''$  East, 131.84 feet;

Thence, along the arc of a curve which deflects to the left, 20.72 feet to the point of beginning, said curve having a radius of 22.50 feet, a central angle of  $52^{\circ} 46' 32''$ , and a chord of 20.00 feet which bears South  $20^{\circ} 50' 30''$  East.

Containing within said bounds 0.0598 acres (2,605 square feet) of land and having a lower elevation of 673.78 (89 feet below ground surface) and an upper elevation of 688.78 (74 feet below ground surface) as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in February, 2025. Depths below ground surface indicated in parentheses are approximate and are based on existing ground surface elevations as of April, 2024.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North. Elevations are based on NAVD88 vertical datum.

Section 2. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that temporary easement interests in the following described properties are not needed for the City's public use:

## **Temporary Easement**

# Ordinance No. 688-2026

**013-20-062-BCT-T1**  
**0.8958 Acres**

**Situated** in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 44. Also being part of the land conveyed to the City of Cleveland as recorded in Certificate of Title No. 63148 of the Cuyahoga County Records, being more definitely described as follows;

**Commencing** at a point in the southerly right of way of Shadyside Avenue (50.00 feet wide) at the northeasterly corner of said land conveyed to the City of Cleveland;

Thence, along the southerly right of way of Shadyside Avenue, South 88° 44' 03" West, 176.02 feet to the **True Point of Beginning** for the easement herein described;

Thence, leaving the southerly right of way of Shadyside Avenue, South 32° 28' 51" East, 20.49 feet;

Thence, South 00° 00' 00" East, 55.87 feet;

Thence, South 89° 58' 55" West, 77.63 feet;

Thence, South 00° 00' 00" East, 233.63 feet;

Thence, North 89° 59' 56" West, 124.90 feet to the easterly right of way of Fulton Road (86.00 feet wide);

Thence, along the easterly right of way of Fulton Road, North 00° 55' 08" West, 226.86 feet;

Thence, leaving the easterly right of way of Fulton Road, South 89° 58' 30" East, 67.61 feet;

Thence, North 00° 03' 02" East, 77.20 feet to the southerly right of way of Shadyside Avenue;

Thence, along the southerly right of way of Shadyside Avenue, North 88° 44' 03" East, 127.52 feet to the point of beginning.

Containing within said bounds 0.8958 acres (39,020 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in February, 2025.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North. Elevations are based on NAVD88 vertical datum.

**Temporary Easement**  
**022-17-013-BCT-T1**  
**4.8149 Acres**

**Situated** in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Parcel No. 2 of Lot Split Plat of Original Rockport Township Section No. 10 as recorded in Volume 343, Page 85 of the Cuyahoga County Map Records. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 6873, Page 294 and Volume 8264, Page 144 of the Cuyahoga County Records, being more definitely described as follows;

**Commencing** at the intersection of the southerly right of way of Emery Avenue (25.00 feet wide) and the westerly right of way of W. 130<sup>th</sup> Street (width varies);

Thence, along the southerly right of way of Emery Avenue, North 88° 58' 26" West, 124.98 feet to the **True Point of Beginning** for the easement herein described;

Thence, South 63° 30' 10" West, 8.72 feet;

Thence, South 45° 51' 22" West, 18.22 feet;

Thence, South 00° 18' 42" West, 46.32 feet;

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Thence, South 89° 40' 26" East, 61.26 feet;

Thence, South 00° 38' 45" West, 92.65 feet;

Thence, South 42° 50' 31" West, 216.97 feet;

Thence, South 00° 00' 00" East, 76.96 feet;

Thence, South 89° 33' 27" West, 225.84 feet;

Thence, North 00° 00' 00" East, 58.14 feet;

Thence, North 90° 00' 00" West, 73.66 feet;

Thence, South 00° 01' 22" West, 273.00 feet;

Thence, South 89° 51' 54" West, 181.23 feet to the westerly line of said Parcel No. 2;

Thence, along the westerly line of said Parcel No. 2, North 01° 03' 06" East, 417.96 feet;

Thence, leaving the westerly line of said Parcel No. 2, North 66° 39' 36" East, 488.34 feet to the southerly right of way of Emery Avenue;

Thence, along the southerly right of way of Emery Avenue, South 88° 58' 26" East, 133.25 feet to the point of beginning.

Containing within said bounds 4.8149 acres (209,736 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in February, 2025.

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

## **Temporary 20' Electric Easement**

**022-17-013-BCT-T4**

**0.0492 Acres**

**Situated** in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Parcel No. 2 of Lot Split Plat of part of Original Rockport Township Section No. 10 as recorded in Volume 343, Page 85 of the Cuyahoga County Map Records. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 6873, Page 294 of the Cuyahoga County Records, being more definitely described as follows;

**Commencing** at the intersection of the southerly right of way of Emery Avenue (25.00 feet wide) and the westerly right of way of W. 130<sup>th</sup> Street (width varies);

Thence, along the westerly right of way of W. 130<sup>th</sup> Street, South 01° 33' 56" East, 162.60 feet to the **True Point of Beginning** for the easement herein described;

Thence, continuing along the westerly right of way of W. 130<sup>th</sup> Street, South 01° 33' 56" East, 20.01 feet;

Thence, leaving the westerly right of way of W. 130<sup>th</sup> Street, North 89° 25' 54" West, 116.59 feet;

Thence, North 42° 50' 31" East, 27.03 feet;

Thence, South 89° 25' 54" East, 97.66 feet to the point of beginning.

Containing within said bounds 0.0492 acres (2,143 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in February, 2025.

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

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Section 3. 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 \$276,800.00 which is determined to be fair market value.

Section 4. That the purpose of the easements shall be for the implementation of NEORSD's BCT, the improvements of which shall be subterranean and include surface and/or subsurface improvements at shaft sites.

Section 5. That the duration of the non-exclusive easements shall be perpetual, that the duration of the exclusive temporary easement for PPN No. 022-17-013-BCT-T1 shall not exceed seventy-two (72) months; that the duration of the exclusive temporary easement for PPN No. 013-20-062-BCT-T1 shall not exceed thirty-eight (38) months, that the non-exclusive easements and exclusive temporary easements may include reasonable right-of-entry rights to the City; that the easements and temporary easements shall not be assignable without the consent of the Director of Parks and Recreation, and shall require that the NEORSD provide reasonable insurance and pay any applicable taxes and assessments.

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

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Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

AG:nl  
6-1-26

FOR: Director Nichols

# Ord. No. 688-2026

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

## AN EMERGENCY ORDINANCE

Authorizing the Director of Parks and Recreation to execute various deeds of easement granting to the Northeast Ohio Regional Sewer District certain easement rights at or under several City-owned properties at Emery Park and Estabrook Park for the Northeast Ohio Regional Sewer District's Big Creek Storage Tunnel Project; and declaring the easement rights not needed for the City's public use.

**READ FIRST TIME on JUNE 1, 2026**

### REPORTS

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

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CITY CLERK

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READ SECOND TIME

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CITY CLERK

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READ THIRD TIME

\_\_\_\_\_  
PRESIDENT

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CITY CLERK

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APPROVED

\_\_\_\_\_  
MAYOR

Recorded Vol. **113** Page \_\_\_\_\_

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

## REPORT after second Reading

FILED WITH COMMITTEE	PASSAGE RECOMMENDED BY COMMITTEE ON <b>MUNICIPAL SERVICES AND PROPERTIES</b>
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FILED WITH COMMITTEE	PASSAGE RECOMMENDED BY COMMITTEE ON <b>FINANCE, DIVERSITY, EQUITY and INCLUSION</b>
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