

Ordinance No. 1316-2025

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Parks and Recreation to execute a deed of easement granting to Cedar Redevelopment Phase IV LLC certain easement rights in property located on East 26th Street between Central Avenue and Community College Avenue and declaring the easements rights no longer needed for public use.

WHEREAS, Cedar Redevelopment Phase IV LLC (“Cedar IV”) has requested the Director of Parks and Recreation to convey a certain easement right on a portion of PPN 103-27-020, located on East 26th Street between Central Avenue and Community College Avenue; and

WHEREAS, Cuyahoga County is conducting the Central Surge Initiative program aimed at impacting Cleveland neighborhoods, which includes construction of Cedar IV’s new residential development; and

WHEREAS, Cedar IV requires an easement for fire lane access for the residential development and also to provide improved pedestrian access to and from a new City park adjacent to the Central Recreation Center; and

WHEREAS, the easement right to be granted herein is no longer needed for public use; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is no longer needed for public use:

LEGAL DESCRIPTION OF FIRE LANE EASEMENT ON PROPOSED PARCEL 4D AND 4E

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Parcel 4D and 4E in the Lot Split and Consolidation Plat of Central Rec Center & Cedar Redevelopment being part of Original Two Acre Lot No. 35 of as shown by the plat recorded in AFN. 202406070195 of Cuyahoga County Records and further bounded and described as follows:

Beginning at a drill hole found at the intersection of the southerly right of way of Central Avenue (formerly Garden Street) (width varies) and the westerly right of way of East 26th Street (60 feet wide) as show by the Dedication Plat recorded in AFN. 202307250408 of Cuyahoga County Records;

Ordinance No. 1316-2025

Thence South 03°22'28" West along the westerly right of way of East 26th Street, 241.58 feet to the **Principal Place of Beginning** of the "Fire Lane Easement" herein described;

Thence South 03°22'28" West continuing along the westerly right of way of East 26th Street, 24.14 feet to a point;

Thence along a curve deflecting to the left, 12.36 feet, said curve having a radius of 27.78 feet, delta of 25°29'20" and a chord that bears North 73°57'03" West, 12.26 feet to a point of tangency on the southerly line of Parcel 4D and the northerly line of Parcel 4E;

Thence North 86°37'32" West along on the southerly line of Parcel 4D and the northerly line of Parcel 4E, 149.98 feet to a point;

Thence North 48°24'51" East, 17.00 feet to a point;

Thence North 03°22'28" East, 7.99 feet to a point;

Thence South 86°37'32" East, 141.00 feet to a point of curvature;

Thence along a curve deflecting to the left, 9.06 feet, said curve having a radius of 28.00 feet, delta of 18°32'49" and a chord that bears North 84°06'03" East, 9.02 feet to the westerly right of way of East 26th Street and the **Principal Place of Beginning**, containing 0.0708 acres (3,085 square feet) as described by Peter J. Gauriloff, P.S. No. 8646 of The Riverstone Company in April of 2024 and subject to all legal highways, restrictions, reservations and easements.

Section 2. That by and at the direction of the Board of Control, the Mayor and the Commissioner of Purchases and Supplies are authorized to convey the above-described easement interest to Cedar IV, subject to any conditions stated, at a price not less than fair market value as determined by the Board of Control.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to allow access to Cedar IV for construction of a new residential development.

Section 4. That the duration of the easement shall be perpetual; that the easement may include right of entry rights to the City; that the easement shall be assignable with the approval of the Board of Control; that the easement shall require that Cedar IV indemnify the City, provide reasonable insurance, maintain any Cedar IV improvements located within the easement, and pay any applicable taxes and assessments.

Ordinance No. 1316-2025

Section 5. That the conveyance referred to above shall be made by official deed of easement prepared by Director of Law and executed by the Director of Parks and Recreation on behalf of the City. The deed of easement shall contain such additional terms and conditions as are required to protect the interests of the City. The Directors of Parks and Recreation and Law are authorized to execute other documents as may be necessary to effect the construction of the improvements.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PMA:uo
10-20-25

FOR: Director Nichols

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READ FIRST TIME on October 20, 2025 and referred to DIRECTOR of Parks and Recreation, City Planning, Finance, Law: COMMITTEE on Municipal Services and Properties; Development Planning and Sustainability, Finance, Diversity, Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

REPORT
after second Reading

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY

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and INCLUSION