

# Ordinance No. 1048-2024

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

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to enter into one or more agreements with the Board of Park Commissioners of the Cleveland Metropolitan Park District regarding a City contribution of funding to implement the Old Lorain Connector Trail; and authorizing the Director to accept the donation of a temporary easement from Metroparks for a period of ten years located within the project area for the purpose of implementing the project.

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WHEREAS, the Board of Park Commissioners of the Cleveland Metropolitan Park District, or its designee (“Metroparks”) is constructing a multi-use trail from Riveredge Road to Little Met Golf Drive which will directly connect Cleveland Clinic Fairview Hospital and the Kamm’s Corners neighborhood to the Metroparks Rocky River Reservation and Emerald Necklace Trail System (the “Old Lorain Connector Trail” or the “Project”); and

WHEREAS, the City wishes to participate in the Project by contributing bond funding in the amount of \$750,000 toward construction of the Old Lorain Connector Trail; and

WHEREAS, in order to secure site control that is required when contributing bond funds, the City will accept the donation of a ten-year temporary easement from Metroparks within the Project area to be used for the constructing the Old Lorain Connector Trail; and

WHEREAS, to implement this ordinance, an agreement with Metroparks is necessary; 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 is authorized to enter into one or more agreements with Metroparks regarding the Project. The agreement or agreements shall include, but not be limited to, the City’s commitment to provide \$750,000 to Metroparks towards construction of the Old Lorain Connector Trail, Metropark’s donation to the City of a ten-year temporary easement within the Project area, and other provisions needed to implement the Project.

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Section 2. That, on behalf of the City of Cleveland, the Director of Capital Projects, is authorized to accept the donation of the following temporary easement from Metroparks for a period of ten years to implement the Project, and is more fully described as follows:

## **Description of a 2.5808 Acre Easement**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of original Rockport Township lots No. 8 and No. 13, Connecticut Western Reserve, being part of parcels conveyed to The Board of Commissioners of the Cleveland Metropolitan Park District (Hereafter known as Cleveland Metroparks) in Deed Volume 2685, Page 605, Deed Volume 2680, Page 369 and Deed Volume 3433, Page 361, and known as being all of parcels conveyed to the Cleveland Metroparks in Deed Volume 3397, Page 610, Deed Volume 3479, Page 192, Deed Volume 3437, Page 390, and A.F.N. 199901110164:

BEGINNING at the Northeast corner of parcel as conveyed by Cleveland Metroparks known as parcel 2 in A.F.N. 199901110164;

### Course No.1

Thence, S 09°03'54" W, on the easterly line of said Cleveland Metroparks parcel 2 as conveyed in A.F.N. 199901110164, a distance of 403.36 feet;

### Course No.2

Thence, S 02°02'22" W, continuing on the easterly line of said Cleveland Metroparks parcel 2 as conveyed in A.F.N. 199901110164, a distance of 161.09 feet;

### Course No.3

Thence, N 76°58'16" W, on the southerly line of said Cleveland Metroparks parcel 2 as conveyed in A.F.N. 199901110164, a distance of 64.03 feet;

### Course No.4

Thence, N 02°02'22" E, on the westerly line of said Cleveland Metroparks parcel 2, a distance of 152.77 feet to the southwesterly corner of a parcel conveyed to Cleveland Metroparks known as parcel 1 in Deed Volume 3437, Page 390;

### Course No.5

Thence, N 77°03'40" W, on the southerly line of said Cleveland Metroparks parcel 1 as conveyed in Deed Volume 3437, Page 390, a distance of 105.04 feet;

### Course No.6

Thence, N 09°18'18" E, on the westerly line of said Cleveland Metroparks parcel 1, a distance of 100.20 feet to the southwesterly corner of a parcel conveyed to the Cleveland Metroparks known as parcel 1 in Deed Volume 3479, Page 192;

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## Course No.7

Thence, N 03°27'51" E, on the westerly line of said Cleveland Metroparks parcel 1 as conveyed in Deed Volume 3479, Page 192, a distance of 101.38 feet to the southwesterly corner of a parcel conveyed to Cleveland Metroparks known as parcel 1 in Deed Volume 3397, Page 610;

## Course No.8

Thence, N 01°19'39" W, on the westerly line of said Cleveland Metroparks Parcel 1 as conveyed in Deed Volume 3397, Page 610, a distance of 51.59 feet to the southwesterly corner of a parcel conveyed to the Cleveland Metroparks known as parcel 1 in Deed Volume 3433, Page 361;

## Course No.9

Thence, N 01°19'39" W, on the westerly line of said Cleveland Metroparks parcel 1 as conveyed in Deed Volume 3433, Page 361, a distance of 9.14 feet;

Thence, through parcels conveyed to Cleveland Metroparks in Deed Volume 2680, Page 369 and Deed Volume 2685, Page 605 for the following (4) courses;

## Course No.10 (1)

Thence, N 36°38'08" W, a distance of 251.41 feet;

## Course No.11 (2)

Thence, N 71°33'23" W, a distance of 156.38 feet;

## Course No.12 (3)

Thence, N 86°19'30" W, a distance of 301.67 feet;

## Course No.13 (4)

Thence, N 03°40'30" E, a distance of 40.00 feet;

Thence, on the southerly right of way line of Old Lorain Road (60 feet wide) for the following (4) courses;

## Course No.14 (1)

Thence, S 86°19'30" E, a distance of 306.86 feet;

## Course No.15 (2)

Thence, S 71°33'23" E, a distance of 174.15 feet;

## Course No.16 (3)

Thence, S 36°38'08" E, a distance of 162.95 feet;

## Course No.17 (4)

Thence, N 80°53'20" E, a distance of 244.67 feet;

## Course No.18

Thence, S 09°03'54" E, through a parcel conveyed to Cleveland Metroparks known as parcel 1 in Deed Volume 3433, Page 361 a distance of 36.25 feet to the Point of Beginning and containing 2.5808 Acres.

This description is based on a survey by K.S. Associates for Cleveland Metroparks and prepared by Andrew Koehler P.S. 8665 on July 18, 2024 for Cleveland Metroparks.

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Section 3. That the Director of Capital Projects, or other appropriate City officials, are authorized to execute all documents and certificates, and take other actions as may be necessary or appropriate to effect the donation authorized in this ordinance, and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary to accept the easement.

Section 4. That the Director of Capital Projects is authorized to enter into one or more agreements or execute any documents on behalf of the City of Cleveland necessary to effect the purposes of this ordinance.

Section 5. That the agreement and other appropriate documents needed to implement this ordinance shall be prepared by the Director of Law and shall contain provisions necessary to protect and benefit the public interest.

Section 6. That the costs of the City's contribution shall not exceed \$750,000 and shall be paid from Fund Nos. 20 SF 568 and 20 SF 702, from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, and from any funds approved by the Director of Finance. (RQS 0103, RL 2024-113)

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.

PMA:nl  
9-30-2024  
FOR: Director DeRosa

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**READ FIRST TIME on SEPTEMBER 30, 2024**  
and referred to DIRECTORS of Capital Projects,  
City Planning Commission, Finance, Law;  
COMMITTEES on Municipal Services and Properties,  
Development Planning and Sustainability,  
Finance Diversity Equity and Inclusion

### REPORTS

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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

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PRESIDENT

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CITY CLERK

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APPROVED

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MAYOR

Recorded Vol. **111** Page \_\_\_\_\_

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

## REPORT after second Reading

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

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**FINANCE, DIVERSITY, EQUITY  
and INCLUSION**

FILED WITH COMMITTEE

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