

Ordinance No. 402-2024 AS AMENDED

By Council Members McCormack and Bishop
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Port Control to execute a deed of easement granting to The East Ohio Gas Company, dba Enbridge Gas Ohio ~~Dominion Energy Ohio~~ certain easement rights in property located at Cleveland Hopkins International Airport; and declaring that the easement rights granted are not needed for the City's public use.

WHEREAS, The East Ohio Gas Company, dba Enbridge Gas Ohio ("Enbridge") ~~Dominion Energy Ohio~~ ("~~Dominion~~") has requested the Director of Port Control to convey certain easement rights in property located at Cleveland Hopkins International Airport and known as Permanent Parcel Nos. 029-32-005 and 029-32-010; and

WHEREAS, Enbridge ~~Dominion~~ requires an easement to install lines, in and across the premises, in order to provide natural gas for the newly constructed hangar located on West Hangar Road; and

WHEREAS, the easement rights to be granted are not needed for the City's 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 properties are not needed for the City's public use:

0' Wide Dominion Energy Easement
Cleveland Hopkins International
Airport West Hangar Road
March 25, 2024

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and located within parcel 029-32-010 owned by the City of Cleveland and being described as follows:

BEGINNING at a point on a corner common to said parcel 029-32-010 and parcel 029-32-005 also owned by the City of Cleveland, said point being the westernmost corner of said parcel 029-32-005 and being located **South 37°51'07" West** a distance of **1041.64 feet** from Cleveland Hopkins International Control Monument 35 as shown on the City of Cleveland Department of Port Control Cleveland Hopkins International Airport Survey Control plan prepared by KS Associates, Inc having a revision 10 date of February, 2008.

Thence along the said line common to parcels 029-32-010 and 029-32-005, **South 40°29'32" East** a distance of **2.90 feet** to a point;

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Thence across parcel 029-32-010 the following thirty-five (35) courses and distances:

- 1) **South 38°04'48" West** a distance of **12.87 feet** to a point;
- 2) **South 37°54'17" West** a distance of **8.99 feet** to a point;
- 3) **North 52°14'19" West** a distance of **17.29 feet** to a point;
- 4) **South 37°45'41" West** a distance of **210.33 feet** to a point;
- 5) **South 39°14'15" West** a distance of **66.20 feet** to a point;
- 6) **South 36°59'00" West** a distance of **162.55 feet** to a point;
- 7) **South 39°03'26" West** a distance of **55.37 feet** to a point;
- 8) **North 54°32'23" West** a distance of **8.82 feet** to a point;
- 9) **South 37°30'00" West** a distance of **88.66 feet** to a point;
- 10) **South 37°15'32" West** a distance of **106.10 feet** to a point;
- 11) **South 37°54'29" West** a distance of **23.56 feet** to a point;
- 12) **South 37°08'12" West** a distance of **48.21 feet** to a point;
- 13) **South 36°48'11" West** a distance of **23.22 feet** to a point;
- 14) **South 37°07'42" West** a distance of **22.93 feet** to a point;
- 15) **South 35°52'54" West** a distance of **89.88 feet** to a point;
- 16) **South 37°02'48" West** a distance of **68.20 feet** to a point;
- 17) **South 37°39'43" West** a distance of **332.73 feet** to a point;
- 18) **North 52°20'17" West** a distance of **10.00 feet** to a point;
- 19) **North 37°39'43" East** a distance of **332.68 feet** to a point;
- 20) **North 37°02'48" East** a distance of **68.05 feet** to a point;
- 21) **North 35°52'56" East** a distance of **89.89 feet** to a point;
- 22) **North 37°07'32" East** a distance of **23.01 feet** to a point;
- 23) **North 36°48'11" East** a distance of **23.22 feet** to a point;
- 24) **North 37°08'12" East** a distance of **48.31 feet** to a point;
- 25) **North 37°54'29" East** a distance of **23.57 feet** to a point;
- 26) **North 37°15'32" East** a distance of **106.07 feet** to a point;
- 27) **North 37°30'00" East** a distance of **98.33 feet** to a point;
- 28) **South 54°32'23" East** a distance of **9.08 feet** to a point;
- 29) **North 39°03'26" East** a distance of **45.80 feet** to a point;
- 30) **North 36°59'00" East** a distance of **162.56 feet** to a point;
- 31) **North 39°14'15" East** a distance of **66.27 feet** to a point;
- 32) **North 37°45'41" East** a distance of **220.20 feet** to a point;
- 33) **South 52°14'19" East** a distance of **17.41 feet** to a point;
- 34) **North 37°41'03" East** a distance of **13.83 feet** to a point;
- 35) **South 51°55'12" East** a distance of **7.14 feet** to a point on the said line common to parcels 029-32-010 and 029-32-005;

Thence along the said line common to parcels 029-32-010 and 029-32-005, **South 37°24'41" West** a distance of **1.34 feet** to the place of **BEGINNING** and containing 0.309 acres of land.

The bearings for this description is based on Grid North, of the Ohio State plane Coordinate System, North Zone, NAD83 (2011).

This description was prepared and reviewed by GPD Group under the supervision of Steven L. Mullaney, Professional Surveyor No. 7900 conducted for Dominion Energy, in March 2024.

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Section 2. That, by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interest to Enbridge Dominion subject to any conditions stated in this ordinance. The consideration be paid for the easement interest shall be \$1.00, and other valuable consideration, determined to be fair market value.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to install lines in and across the premises in order to provide natural gas for the newly constructed hangar located on West Hangar Road.

Section 4. That the duration of the easement shall be perpetual but shall revert back to the City if abandoned; that the easement shall not be assignable without the consent of the Director of Port Control; that the easement shall require that Enbridge Dominion provide reasonable insurance, maintain any Enbridge Dominion improvements located within the easement; pay any applicable taxes and assessments; and shall contain such other terms and conditions that the Director of Law determines to be necessary to protect and benefit the City.

Section 5. That the conveyance referenced above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Port Control on behalf of the City of Cleveland. The Directors of Port Control and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect this ordinance.

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

JSM:nl
4-15-2024
FOR: Director Francis

Ord. No. 402-2024 AS AMENFD

**REPORT
after second Reading**

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READ FIRST TIME **REPORTS**

and referred to _____

by the council _____

CITY CLERK

READ SECOND TIME

by the council _____

CITY CLERK

READ THIRD TIME

by the council _____

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ Page _____

Published in the City Record _____