

# Ordinance No. 471-2021

By Council Members Bishop and Kelley  
(by departmental request)

## AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to enter into an amendment to Lease Agreement No. N62467-94-RP-00061 with the United States Navy and an amendment to Lease Agreement No. CT 0103 NF 2014-009 with the Cleveland-Cuyahoga County Port Authority to transfer a portion of the United States Navy leasehold to the Port Authority leasehold so that it may be improved and maintained as part of the Cleveland Lakefront Nature Preserve.

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WHEREAS, under Ordinance No. 1152-72, passed June 26, 1972, the United States Navy (“Navy”) leased 7.192 acres in Gordon Park from the City of Cleveland (the “City”), adjacent to the Navy’s property in the Village of Bratenahl; and

WHEREAS, under Ordinance No. 1746-83, passed November 14, 1983, the size of land leased by the Navy from the City in Gordon Park was reduced to 3.13 acres of land; and

WHEREAS, under Ordinance No. 811-12, passed August 8, 2012, the Cleveland-Cuyahoga County Port Authority (“Port Authority”) leased 4.5151 acres in Gordon Park from the City, adjacent to the Navy’s leased property, and maintains it as part of the Cleveland Lakefront Nature Preserve; and

WHEREAS, an unimproved 0.2808 portion of the Navy’s leased property, which is a portion of Permanent Parcel No. 105-35-001, adjacent to the Cleveland Lakefront Nature Preserve, falls outside the Navy’s security fence; and

WHEREAS, the City of Cleveland, the Port Authority, and the Navy have all agreed that this area would best be included within the Cleveland Lakefront Nature Preserve property to optimize public use and therefore the boundaries for Port Authority and Navy leases need to be amended; 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 Directors of Public Works is authorized to enter into amendment to Lease Agreement No. N62467-94-RP-00061 with the Navy and an amendment to Lease Agreement No. CT 0103 NF 2014-009 with the Port Authority to transfer the following described property currently in the Navy leasehold to the Port

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Authority leasehold so that it may be improved and maintained as part of the Cleveland Lakefront Nature Preserve (the "Amendments"):

Proposed Lease Parcel  
0.2808 Acre (12,230 S.F.)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original One Hundred Acre Lot No. 367. Also, being part of the land conveyed to City of Cleveland as recorded in Volume 563, Page 196 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the northerly limited access line of the Cleveland Memorial Shoreway East and the centerline of East 88th Street, being also the easterly line of said Original One Hundred Acre Lot No. 367;

Thence, along the centerline of vacated East 88th Street and the easterly line of said Original One Hundred Acre Lot no. 367, North 00° 30' 39" West, 135.86 feet;

Thence, leaving said centerline and said easterly line, North 57° 57' 41" West, 47.98 feet;

Thence, North 07° 23' 13" West, 975.30 feet to the True Point of Beginning for the parcel herein described;

Thence continuing North 07° 23' 13" West, 65.68 feet; Thence North 55° 43' 50" East, 135.47 feet;

Thence North 23° 14' 00" East, 130.25 feet to the easterly line of said Original One Hundred Acre Lot No. 367;

Thence, along said easterly line, South 00° 30' 39" East, 137.69 feet;

Thence, leaving said easterly line, South 51° 40' 22" West, 199.01 feet to the point of beginning Containing within said bounds of land 0.2808 acre of land (12,230 square feet)

as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in September, 2011.

Bearings are based on Ohio State Plane, North Zone NAD83(1995) Grid North.

All other terms and conditions of both leases described in Section 1 shall remain the same.

Section 2. That the Directors of Public Works, and Law, and other appropriate City officials are authorized to execute any other documents, instruments

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and certificates, and take any other actions which may be necessary or appropriate to effect the Amendments authorized by this ordinance and are authorized to sign and deliver and accept delivery of such documents, instruments and certificates as shall be necessary or appropriate to consummate the transactions authorized by this ordinance.

Section 3. That the Amendments shall be prepared by the Director of Law and approved by the Director of Public Works.

Section 4. 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.

AP:nl  
6-7-2021  
FOR: Director Cox

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REPORT  
after second Reading

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**READ FIRST TIME on JUNE 7, 2021**

REPORTS

and referred to DIRECTORS of Public Works,  
City Planning Commission, Finance, Law;  
COMMITTEE on Municipal Services and Properties, Finance

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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

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

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

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**FINANCE**

FILED WITH COMMITTEE

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