

Ordinance No. 1377-2019

Council Member(s) McCormack, Johnson,
Brancatelli and Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the acquisition and recording of certain standard highway easement interests from Cuyahoga County across the County-owned portions of Main Avenue near the Flats East Bank development, for the Office of Capital Projects.

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 Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record certain standard highway easement rights from Cuyahoga County across the County-owned portions of Main Avenue, known as Permanent Parcel No. 101-13-029 and a portion of Permanent Parcel No. 101-13-031, near the Flats East Bank development, for the Office of Capital Projects, as more particularly described as follows:

Legal Description of a 1.1389 Acre Highway Easement

PARCEL 1 (0.5444 acres)

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being a part of Original Lot Number 194, a part of vacated Main Avenue, 40 feet wide, by Ordinance No. 1164-08, dated August 6, 2008 and recorded in Volume 359, Page 35 of Cuyahoga County Map Records, and lands now or formerly owned by The Cuyahoga County Board of Commissioners known as PPN 101-13-031;

Commencing at a 3/4 inch iron pin monument found at the center line intersection of Front Avenue, 80 feet wide, and West Ninth Street, 99 feet wide, of which said monument bears North 34°24'09" West, 572.93 feet from a one inch iron pin monument found at the centerline intersection of said West Ninth Street and Lakeside Avenue; thence South 34°24'09" East along the centerline of said West Ninth Street, a distance of 354.14 feet to the centerline intersection of said West Ninth Street and Main Avenue, 40 feet wide; thence along the centerline of said Main Avenue, South 55°39'06" West a distance of 170.52 feet to the terminus of said centerline of Main Avenue, and the **TRUE POINT OF BEGINNING** for the land intended to be described herein, thence along the following eight (8) courses and distances;

1. Thence along the vacated centerline of said Main Avenue, South 55°39'06" West a distance of 338.14 feet;
2. Thence along the easterly line of The City of Cleveland (PPN 101-13-006),

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- South 34°09'46" East a distance of 56.17 feet;
3. Thence along the northerly line of West Tenth Street, North 55° 39'06" East a distance of 25.00 feet;
 4. Thence along the easterly line of West Tenth Street, South 34°09'46" East a distance of 1.00 foot;
 5. Thence along the northerly line of Sabeta Realty Company (PPN 101-13-001) North 55°35'33" East a distance of 434.40 feet to the westerly line of said West Ninth Street;
 6. Thence along said westerly line of West Ninth Street, North 34°24'09" West a distance of 36.72 feet;
 7. Thence along the southerly line of said Main Avenue, South 55° 39'06" West a distance of 121.02 feet;
 8. Thence along the westerly line of said Main Avenue, North 34°24'00" West a distance of 20.00 feet to the **TRUE POINT OF BEGINNING**, and containing 0.5444 acres (23,714 square feet) of land, more or less, and subject to all easements, restrictions, and covenants of record.

PARCEL 2 (0.5945 acres)

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Original Lot Number 194, a part of vacated Main Avenue, 40 feet wide, by Ordinance No. 1164-08, dated August 6, 2008 and recorded in Volume 359, Page 35 of Cuyahoga County Map Records, a part of vacated Old River Road, 66 feet wide, by Ordinance No. 1164-08, dated August 6th 2008 and recorded in Volume 359, Page 35 of Cuyahoga County Map Records, and lands now or formerly owned by The Cuyahoga County Board of Commissioners known as PPN 101-13-028 and 101-13-029;

Commencing at a 3/4 inch iron pin monument found at the center line intersection of Front Avenue, 80 feet wide, and West Ninth Street, 99 feet wide, of which said monument bears North 34°24'09" West, 572.93 feet from a one inch iron pin monument found at the center line intersection of said West Ninth Street and Lakeside Avenue; thence South 34°24'09" East along the center line of West Ninth Street, a distance of 354.14 feet to the centerline intersection of said West Ninth Street and Main Avenue, 40 feet wide; thence South 55°39'06" West along the center line of said Main Avenue, a distance of 170.52 feet; Thence along the center line of vacated Main Avenue South 55°39'06" West a distance of 444.85 feet to the **TRUE POINT OF BEGINNING** for the land intended to be described herein, thence along the following fifteen (15) courses and distances;

1. Thence along the centerline of said vacated Main Avenue, South 55°39'06" West a distance of 352.90 feet;
2. Thence along the centerline of vacated Old River Road, South 71 °42'07" East a distance of 93.27 feet;
3. Thence along the northerly line of City of Cleveland (PPN 101-13-036) North 18°17'53" East a distance of 33.00 feet;
4. Thence continuing along said northerly line of City of Cleveland (PPN 101-13-036), by a non- tangential curve to the right said curve having a radius of 4.00

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- feet, an arc length of 9.09 feet, and a chord bearing North 6°37'12" West a distance of 7.26 feet;
5. Thence continuing along said northerly line of City of Cleveland (PPN 101-13-036), North 58°27'41" East a distance of 56.27 feet;
 6. Thence along the southerly line of City of Cleveland (PPN 101-13-036), by a non-tangential curve to the left, said curve having a radius of 1050.00 feet, an arc length of 61.84 feet, and a chord bearing South 32°11'01" West a distance of 61.84 feet;
 7. Thence continuing along said southerly line City of Cleveland, South 30°29'47" West a distance of 37.78 feet;
 8. Thence along the southerly line of vacated Old River Road, South 56° 39'58" East a distance of 11.80 feet;
 9. Thence continuing along said southerly line of vacated Old River Road, South 71°42'07" East a distance of 28.94 feet;
 10. Thence along the westerly line of Old River Road, North 30°29'47" East a distance of 67.52 feet;
 11. Thence along the northerly line of vacated Old River Road, North 71 °42'07" West a distance of 35.07 feet;
 12. Thence continuing along said northerly line of vacated Old River Road, North 56°39'58" West a distance of 41.48 feet;
 13. Thence through the lands of The Cuyahoga County Board of Commissioners (PPN 101-13-029) by a non-tangential curve to the left, said curve having a radius of 73.50 feet, an arc length of 44.28 feet, and a chord bearing North 12°23'28" East a distance of 43.62 feet;
 14. Thence continuing through said lands of The Cuyahoga County Board of Commissioners, North 55°39'06" East a distance of 200.46 feet;
 15. Thence along the westerly line of City of Cleveland (PPN 101-13-006), North 34°24'40" West a distance of 56.17 feet to the **TRUE POINT OF BEGINNING**, and containing 0.5945 acres (25,896 square feet) of land, more or less, and subject to all easements, restrictions and covenants of record.

Section 2. That the cost of the acquiring the easement rights shall be \$1.00 and other valuable consideration. The purchase price, appraisal, title, escrow, and all other costs incurred in acquiring and recording the easement interests shall be paid from the fund or funds deemed appropriate by the Director of Finance.

Section 3. That the Director of Capital Projects is authorized to execute any documents on behalf of the City of Cleveland necessary to effect the purposes of this ordinance.

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.

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SM:nl
11-11-19

FOR: Director Spronz

