

Ordinance No. 1255-2023

By Council Members Bishop and Hairston
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to execute a deed of easement granting to the West Creek Conservancy, or the entity identified to accept conservation easements, for certain easement rights in property located at the the Cleveland Enterprise Park in the Village of Highland Hills and declaring that the easement rights granted are not needed for public use; and authorizing the City to enter into one or more agreements with the West Creek Conservancy, or the entity identified to accept conservation easements, to administer the conservation easement.

WHEREAS, the easement rights to be granted are not 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 not needed for public use:

PPN 751-01-024
8.20 Acres

Situated in the Village of Highland Hills, County of Cuyahoga and State of Ohio: and known as being Nature Reserve Parcel No. 3 in Cleveland Enterprise Park Re-Subdivision of Phase I of part of Original Warrensville Township Lot Nos. 67, 76 and 77, as shown by the recorded plat in Volume 295 of Maps, Page 88 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interest to the West Creek Conservancy, or the entity identified to accept conservation easements, (“West Creek”), for \$1.00, and other valuable consideration, which is determined to be fair market value.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be for stream restoration, streambank stabilization, and riparian restoration.

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Section 4. That the duration of the easement shall be perpetual; that the easement may include reasonable right of entry rights to the City; that the easement shall not be assignable without the consent of the Director of Public Works.

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

Section 6. That the Director of Public Works is authorized to enter into an agreement with West Creek, or the entity identified to accept conservation easements, to administer the conservation easement.

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.

SM:nl
10-30-2023
FOR: Director Williams

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REPORT
after second Reading

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READ FIRST TIME on OCTOBER 30, 2023

REPORTS

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

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

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COMMITTEE ON
**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

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