

Ordinance No. 995-2019

Council Members Johnson, Brancatelli and Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to execute a deed of easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property owned by the City within Rockefeller Park along East Boulevard between Ashbury Avenue and Superior Avenue needed for the NEORSD's Doan Valley Relief / Consolidation Sewer Project; and declaring that the easement rights granted are not needed for the City's public use.

WHEREAS, the Northeast Ohio Regional Sewer District ("NEORSD") has requested the Director of Public Works to convey certain easement rights in property located across portions of land owned by the City within Rockefeller Park along East Boulevard between Ashbury Avenue and Superior Avenue needed for the NEORSD's Doan Valley Relief / Consolidation Sewer Project; 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 property, Permanent Parcel No. 107-01-001, is not needed for the City's public use:

Permanent Easement DVRCS – PO1 0.4597 Acres

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. 385. Also being part of the land conveyed to City of Cleveland as recorded in Volume 575, Page 540, Volume 575, Page 542, Volume 575, Page 545 and Volume 575, Page 547 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a drill in a stone in a monument box found at the intersection of the centerline of East 105th Street (60 feet wide) and the centerline of Ashbury Avenue (60 feet wide);

Thence, along the centerline of Ashbury Avenue, North 65° 38' 37" West, 362.96 feet to the easterly line of said land conveyed to the City of Cleveland;

Thence, along said easterly line, along the arc of a curve which deflects to the right, 13.38 feet to the **True Point of Beginning** for the easement herein described, said curve having a radius of 903.97 feet, a central angle of 00° 50' 54", and a chord of 13.38 feet which bears South 10° 57' 47" West;

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Thence, continuing along said easterly line, along the arc of a curve which deflects to the right, 20.49 feet, said curve having a radius of 903.97 feet, a central angle of 01° 17' 55", and a chord of 20.49 feet which bears South 12° 02' 12" West;

Thence, leaving said easterly line, North 65° 24' 32" West, 67.38 feet;

Thence, North 03° 36' 44" East, 227.98 feet;

Thence, North 10° 44' 18" West, 188.67 feet;

Thence, North 22° 28' 38" West, 315.60 feet;

Thence, North 32° 51' 52" West, 181.57 feet;

Thence, North 40° 37' 07" East, 46.44 feet to the easterly line of said land conveyed to the City of Cleveland;

Thence, along said easterly line, along the arc of a curve which deflects to the right, 20.36 feet, said curve having a radius of 1542.25 feet, a central angle of 00° 45' 23", and a chord of 20.36 feet which bears South 38° 36' 15" East;

Thence, leaving said easterly line, South 40° 37' 07" West, 27.70 feet;

Thence, South 32° 51' 52" East, 168.46 feet;

Thence, South 22° 28' 38" East, 319.47 feet;

Thence, South 10° 44' 18" East, 193.24 feet;

Thence, South 03° 36' 44" West, 216.75 feet;

Thence, South 65° 24' 32" East, 49.17 feet to the point of beginning.

Containing within said bounds 0.4597 acre (20,025 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in May 2017.

Bearings are based on Ohio State Plane, North Zone NAD83(2011) Grid North.

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 NEORSD at a price of \$14,396 and other valuable consideration, which is determined to be fair market value. Ordinance No. 263-18, passed June 4, 2018 authorized future easements valued at \$29,064 to be granted to NEORSD at no cost as part of the compensation for the Charles Van Duzer property. After the passage of Ordinance Nos. 329-19 and 330-19 which granted easements to NEORSD at other locations, the remaining credit due to NEORSD is \$2,524. The easement authorized in

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this ordinance is valued at \$16,920. Subtracting the credit amount of \$2,524, the amount due the City from NEORSD for the easement authorized in this ordinance is \$14,396.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to provide NEORSD access to and for future maintenance on its Doan Valley Relief / Consolidation Sewer Project site.

Section 4. That the duration of the easement shall be perpetual; that the easement shall not be assignable without the consent of the Director of Public Works; that the easement shall require that NEORSD provide reasonable insurance, maintain any NEORSD 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 Public Works on behalf of the City of Cleveland. The Directors of Public Works 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.

GK:nl
8-21-19

FOR: Director Cox

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REPORT
after second Reading

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READ FIRST TIME on AUGUST 21, 2019

REPORTS

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

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 _____

