

Ordinance No. 1068-2021

By Council Members J. Jones, Bishop, 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 a portion of City-owned property located in Kerruish Park, and declaring the easement rights no longer needed for the City's use.

WHEREAS, the Northeast Ohio Regional Sewer District ("NEORS") has requested the Director of Public Works to convey certain easement rights in a portion of City-owned property located in Kerruish Park, for the purpose of improving access to the Kerruish Flood Control Basin; 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 the easement interest in the following described property is no longer needed for the City's use:

**City of Cleveland
Permanent Easement Across PPN 762-15-001
0.2855 Acre**

Situated in the City of Warrensville Heights, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 93. Also being part of the land conveyed to City of Cleveland as recorded in Certificate of Title No. 71300 of the Cuyahoga County Records, being more definitely described as follows:

Commencing at a drill hole in concrete in a monument box found at the intersection of Tarkington Avenue (50 feet wide) and the centerline of East 177th Street (50 feet wide);

Thence, along the centerline of East 177th Street, South 01° 01' 27" East, 1311.41 feet to the southerly right of way of Elmer Avenue, (25 feet wide) and the **True Point of Beginning** for the easement herein described;

Thence, leaving the centerline of East 177th Street, along the southerly right of way of Elmer Avenue, North 89° 06' 58" East, 10.01 feet;

Thence, leaving said southerly right of way, South 01° 04' 47" East, 0.98 feet;

Thence, along the arc of a curve which deflects to the right, 19.25 feet, said curve having a radius of 60.00 feet, a central angle of 18° 23' 10", and a chord of 19.17 feet which bears South 08° 06' 48" West;

Thence, South 17° 18' 23" West, 138.02 feet;

Thence, along the arc of a curve which deflects to the left, 12.36 feet, said curve having a radius of 40.00 feet, a central angle of 17° 42' 24", and a chord of 12.31 feet which bears South 08° 27' 11" West;

Thence, South 00° 19' 08" East, 33.42 feet;

Thence, along the arc of a curve which deflects to the left, 65.65 feet, said curve having a radius of 40.00 feet, a central angle of 94° 02' 18", and a chord of 58.53 feet which bears South 47° 20' 17" East;

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Thence, North 85° 38' 34" East, 34.83 feet;

Thence, South 82° 48' 52" East, 44.02 feet;

Thence, South 81° 59' 52" East, 42.51 feet;

Thence, South 89° 36' 02" East, 48.64 feet;

Thence, North 82° 15' 03" East, 46.08 feet;

Thence, North 73° 20' 42" East, 57.25 feet;

Thence, South 42° 16' 19" West, 47.39 feet;

Thence, South 47° 31' 42" West, 59.90 feet;

Thence, North 32° 11' 30" West, 21.85 feet;

Thence, North 49° 54' 55" West, 23.34 feet;

Thence, North 86° 03' 04" West, 49.65 feet;

Thence, North 83° 32' 29" West, 38.92 feet;

Thence, North 74° 48' 32" West, 37.03 feet;

Thence, along the arc of a curve which deflects to the left, 47.79 feet, said curve having a radius of 148.29 feet, a central angle of 18° 27' 54", and a chord of 47.58 feet which bears South 83° 04' 50" West;

Thence, South 73° 54' 22" West, 55.78 feet;

Thence, North 17° 21' 14" West, 19.24 feet;

Thence, North 76° 12' 54" East, 2.62 feet;

Thence, along the arc of a curve which deflects to the left, 15.49 feet, said curve having a radius of 10.00 feet, a central angle of 88° 45' 31", and a chord of 13.99 feet which bears North 31° 12' 54" East;

Thence, North 13° 09' 52" West, 21.02 feet;

Thence, along the arc of a curve which deflects to the right, 13.45 feet, said curve having a radius of 60.00 feet, a central angle of 12° 50' 44", and a chord of 13.42 feet which bears North 06° 44' 30" West;

Thence, North 00° 19' 08" West, 40.47 feet;

Thence, along the arc of a curve which deflects to the right, 18.46 feet, said curve having a radius of 60.00 feet, a central angle of 17° 37' 31", and a chord of 18.38 feet which bears North 08° 29' 38" East;

Thence, North 17° 18' 23" East, 138.02 feet;

Thence, along the arc of a curve which deflects to the left, 12.84 feet, said curve having a radius of 40.00 feet, a central angle of 18° 23' 10", and a chord of 12.78 feet which bears North 08° 06' 48" East;

Thence, North 01° 04' 47" West, 1.05 feet to the southerly right of way of Elmer Avenue;

Thence, along the southerly right of way of Elmer Avenue, North 89° 06' 58" East, 9.99 feet to the point of beginning.

Containing within said bounds 0.2855 acre (12,437 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in May, 2020.

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

Section 2. That by and at the direction of the Board of Control, the Mayor and the Commissioner of Purchases and Supplies are authorized to convey the above-

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described easement interest to NEORSD, subject to any conditions stated, at the appraised price of \$3,200, 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 to allow NEORSD better access to the Kerruish Flood Control Basin and to implement stream restoration and stormwater maintenance in the basin.

Section 4. That the duration of the easement shall be permanent; that the easement may include right-of-entry rights to the City; that the easement shall require that NEORSD maintain any NEORSD improvements located within the easement, and pay any applicable taxes and assessments.

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 deed of easement shall contain such additional terms and conditions as are required to protect the interests of the City. The Director 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 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.

LW:nl
11-22-2021
FOR: Director Cox

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READ FIRST TIME on NOVEMBER 22, 2021
and referred to DIRECTORS of Public Works,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ Page _____

Published in the City Record _____

REPORT after second Reading

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

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

