

Ordinance No. 150-2022

By Council Members McCormack, Bishop and Hairston (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Community Development to enter into one or more agreements with Dan Dureiko for the exchange of easements; authorizing the Director to execute deeds of easement granting to Dan Dureiko certain driveway access and utility easement rights in various properties; declaring the easement rights not needed for the City's public use; and authorizing the Director to accept from Dan Dureiko certain easement rights in various properties needed for mutual driveway access and utilities.

WHEREAS, Dan Dureiko has requested the Director of Community Development to convey certain easement rights in properties located across Permanent Parcel Nos. 007-08-208 and 007-08-210 on West 33rd Street that are needed by Dan Dureiko for ingress and egress to his new housing development project and for utilities and are not needed for the City's public use; and

WHEREAS, in exchange for conveying the permanent easements to Dan Dureiko, the City will accept from Dan Dureiko certain easement rights located across Permanent Parcel No. 007-08-209 on West 33rd Street that are needed by the City to access the new housing development project and for utilities; and

WHEREAS, this exchange of easements between the City and Dan Dureiko will allow for the mutual integrated use of the driveway easement area by both parties ("Mutual Driveway Access") and the construction of a sewer to benefit both parties; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of municipal departments; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Community Development is authorized to enter into one or more agreements with Dan Dureiko for the exchange of easements needed for Mutual Driveway Access and utilities.

Section 2. 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 easement interests in the following described properties are not needed for the City's public use:

Ordinance No. 150-2022

Westerly Portion PPN # 007-08-208

LEGAL DESCRIPTION – Ingress/Egress and Utility Easement on 1-A = 0.0015 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Parcel 1-A in a Lot Split and Consolidation part of Original Brooklyn Township Lot Nos. 51, 52, 69, and 70 as shown in AFN 202112200487 of Cuyahoga County Map Records (CCMR) and described as follows:

Beginning at the northwest corner of said Parcel 1-A and being in the southerly line of Keiper Court S.W., 16.00 feet wide;

Thence South 25°22'45" East along the westerly line of said Parcel 1-A, 30.00 feet;

Thence North 64°31'22" East along the southerly line of said Parcel 1-A, 22.00 feet;

Thence North 25°22'45" West, 30.00 feet to a point in said southerly line of Keiper Court S.W.;

Thence South 64°31'22" West along said southerly line of Keiper Court S.W., 22.00 feet to the **Place of Beginning** and containing 0.0015 acres of land as described on January 27, 2022 by Richard J. Kole, Ohio Surveyor #7889, of R.M. Kole & Assoc., Corp., Professional Land Surveyors.

Subject, however, to all legal rights-of-way of previous record.

Basis of bearings: The bearing for the centerline of West 33rd Street (North 25°30'00" West) as shown by a Lot Consolidation Plat recorded in Volume 305, Page 5 of Cuyahoga County Map Records, is the reference meridian for this survey.

PPN # 007-08-210

LEGAL DESCRIPTION – Ingress/Egress and Utility Easement on 1-C = 0.0011 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Parcel 1-C in a Lot Split and Consolidation part of Original Brooklyn Township Lot Nos. 51, 52, 69, and 70 as shown in AFN 202112200487 of Cuyahoga County Map Records (CCMR) and described as follows:

Beginning at the northwest corner of said Parcel 1-C;

Thence South 25°22'45" East along the westerly line of said Parcel 1-C, 30.00 feet;

Thence North 64°31'22" East along the southerly line of said Parcel 1-C, 15.45 feet;

Thence North 25°22'45" West, 30.00 feet to a point in the northerly line of said Parcel 1-C;

Thence South 64°31'22" West along said northerly line of Parcel 1-C, 15.45 feet to the **Place of Beginning** and containing 0.0011 acres of land as described on January 27, 2022 by Richard J. Kole, Ohio Surveyor #7889, of R.M. Kole & Assoc., Corp., Professional Land Surveyors.

Ordinance No. 150-2022

Subject, however, to all legal rights-of-way of previous record.

Basis of bearings: The bearing for the centerline of West 33rd Street (North 25°30'00" West) as shown by a Lot Consolidation Plat recorded in Volume 305, Page 5 of Cuyahoga County Map Records, is the reference meridian for this survey.

Section 3. 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 interests at no cost to Dan Dureiko.

Section 4. That the easements shall be non-exclusive and the purpose of the easements shall be to provide Mutual Driveway Access and utility easement rights.

Section 5. That the duration of the easements shall be perpetual; and that the easements shall run with the land.

Section 6. That the conveyances referred to above shall be made by official deeds of easement prepared by the Director of Law and executed by the Director of Community Development on behalf of the City of Cleveland. The deeds of easement shall contain any additional terms and conditions as are required to protect the interest of the City. The Director of Community Development is authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect this ordinance.

Section 7. That notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire and record certain easement rights from Dan Dureiko for the purpose of Mutual Driveway Access and utilities for the Department of Community Development, and are more fully described as follows:

**Westerly Portion of PPN # 007-08-209
LEGAL DESCRIPTION – Ingress/Egress and Utility Easement on 1-B = 0.0014 Acres**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Parcel 1-B in a Lot Split and Consolidation part of Original Brooklyn Township Lot Nos. 51, 52, 69, and 70 as shown in AFN 202112200487 of Cuyahoga County Map Records (CCMR) and described as follows:

Beginning at the northwest corner of said Parcel 1-B;

Ordinance No. 150-2022

Thence South 25°22'45" East along the westerly line of said Parcel 1-B, 27.67 feet; Thence North 64°31'22" East along a northerly line of said Parcel 1-B, 6.55 feet;

Thence South 25°22'45" East along an easterly line of said Parcel 1-B, 2.13 feet;

Thence North 64°31'22" East along the southerly line of said Parcel 1-B, 15.45 feet;

Thence North 25°22'45" West, 29.80 feet to a point in the northerly line of said Parcel 1-B;

Thence South 64°31'22" West along said northerly line of Parcel 1-B, 22.00 feet to the **Place of Beginning** and containing 0.0014 acres of land as described on January 27, 2022 by Richard J. Kole, Ohio Surveyor #7889, of R.M. Kole & Assoc., Corp., Professional Land Surveyors.

Subject, however, to all legal rights-of-way of previous record.

Basis of bearings: The bearing for the centerline of West 33rd Street (North 25°30'00" West) as shown by a Lot Consolidation Plat recorded in Volume 305, Page 5 of Cuyahoga County Map Records, is the reference meridian for this survey.

Section 8. That the cost of the acquiring and recording the easement rights shall be \$1.00, and other valuable consideration, determined to be fair market value. 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 9. That the duration of the easement rights to the City shall be perpetual; and that the easements shall run with the land.

Section 10. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents and agreements to implement this ordinance.

Section 11. That all costs of acquiring, accepting, and recording the land shall be paid from funds approved by the Director of Finance.

Section 12. 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.

Ord. No. 150-2022

REPORT
after second Reading

By Council Members McCormack, Bishop and Hairston
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Community Development to enter into one or more agreements with Dan Dureiko for the exchange of easements; authorizing the Director to execute deeds of easement granting to Dan Dureiko certain driveway access and utility easement rights in various properties; declaring the easement rights not needed for the City's public use; and authorizing the Director to accept from Dan Dureiko certain easement rights in various properties needed for mutual driveway access and utilities.

READ FIRST TIME on FEBRUARY 7, 2022

REPORTS

and referred to DIRECTORS of Community Development,
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

Recorded Vol. **109** Page _____

Published in the City Record _____

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

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

