

Ordinance No. 490-2022

**By Council Members Santana, Bishop,
Hairston and Griffin
(by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the acquisition and recording of certain standard highway easement interests from The MetroHealth System, a county hospital, organized under R.C. 339, located in the vicinity of West 25th Street and Scranton Road for the purpose of public roadway improvements in connection with the development of MetroHealth's main campus, 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 and record certain standard highway easement rights from The MetroHealth System, a county hospital, organized under R.C. 339 ("MetroHealth"), located in the vicinity of West 25th Street and Scranton Road in connection with the development of MetroHealth's main campus located in the vicinity of West 25th and Scranton Road and known as the MetroHealth Campus Transformation Project ("Improvement"), for the Office of Capital Projects, and more fully described as follows:

**PARCEL SH-1
PROPERTY LOCATED AT WEST 25TH STREET, CLEVELAND, OHIO
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation, and/or utility maintenance work deemed appropriate by the Board of County Commissioners of Cuyahoga County, Ohio, its successors and assigns forever.

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

(Surveyor's description of the premises follows)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Consolidated Parcel as recorded in Plat AFN 202204250101 Official Records Cuyahoga County and known as being part of Original Brooklyn Township Lot 66, together forming a parcel of land bounded and described as follows:

Beginning at a Drill Hole in Stone Monument Box found at an angle point in the centerline of Scranton Road S.W., 60.00 feet wide, said Monument Box bears North 30 degrees 48 minutes 31 seconds East 506.63 feet from its intersection with the centerline of West 25th Street, 66.00 feet wide;

Ordinance No. 490-2022

Thence South 30 degrees 48 minutes 31 seconds West, 68.97 feet along the centerline of said Scranton Road S.W. to a point therein;

Thence North 59 degrees 11 minutes 29 seconds West, 30.00 feet to a 5/8 inch iron pin set in the westerly line of said Scranton Road S.W. and being the **Principal Place of Beginning** of the parcel herein described:

Thence with the following eleven (11) courses:

- 1) North 28 degrees 27 minutes 02 seconds West, 30.50 feet to a 5/8 inch iron pin set;
- 2) North 87 degrees 59 minutes 18 seconds West, 90.76 feet to a 5/8 inch iron pin set;
- 3) South 55 degrees 33 minutes 05 seconds West, 40.00 feet to a 5/8 inch iron pin set in the easterly line of said West 25th Street;
- 4) North 03 degrees 53 minutes 17 seconds East, 141.24 feet along the easterly line of said West 25th Street to a 5/8 inch iron pin set at a point therein;
- 5) South 44 degrees 46 minutes 25 seconds East, 40.00 feet to a 5/8 inch iron pin set;
- 6) South 87 degrees 59 minutes 18 seconds East, 51.50 feet to a 5/8 inch iron pin set;
- 7) South 02 degrees 00 minutes 42 seconds West, 4.50 feet to a 5/8 inch iron pin set;
- 8) South 87 degrees 59 minutes 18 seconds East, 83.10 feet to a 5/8 inch iron pin set;
- 9) North 51 degrees 47 minutes 06 seconds East, 14.00 feet to a 5/8 inch iron pin set in the westerly line of said Scranton Road S.W.;
- 10) South 10 degrees 45 minutes 15 seconds West, 65.80 feet to an angle point in the westerly line of said Scranton Road S.W.;
- 11) South 30 degrees 48 minutes 31 seconds West, 63.67 feet along the westerly line of said Scranton Road S.W. to the **Principal Place of Beginning** and containing 15,857 square feet or 0.3640 acres of land more or less but subject to all legal highways.

The bearings used in this description are based upon the Ohio State Plane Coordinates System, North Zone, NAD83 (Conus)(Mol).

The above-described parcel being part of Auditor's Permanent Parcel No's: 008-20-085.

This description was prepared by John M. Zaranec, Jr. P.S. 7126 and was based on a survey performed by Euthenics, Inc. in May, 2022 for the Metrohealth System.

Ordinance No. 490-2022

**PARCEL SH-2
PROPERTY LOCATED AT SCRANTON ROAD S.W., CLEVELAND, OHIO
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

An exclusive perpetual easement for public highway and road purposes, including, but not limited to any utility construction, relocation, and/or utility maintenance work deemed appropriate by the Board of County Commissioners of Cuyahoga County, Ohio, its successors and assigns forever.

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

(Surveyor's description of the premises follows)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Lot Split Parcel 1 as recorded in Plat AFN 201810240319 Official Records Cuyahoga County and known as being part of Original Brooklyn Township Lot 66, together forming a parcel of land bounded and described as follows:

Beginning at a Drill Hole in Stone Monument Box found at an angle point in the centerline of Scranton Road S.W., 60.00 feet wide, said Monument Box bears North 30 degrees 48 minutes 31 seconds East 506.63 feet from its intersection with the centerline of West 25th Street, 66.00 feet wide;

Thence South 30 degrees 48 minutes 31 seconds West, 163.49 feet along the centerline of said Scranton Road S.W. to a point therein;

Thence South 59 degrees 11 minutes 29 seconds East, 30.00 feet to a 5/8 inch iron pin set in the easterly line of said Scranton Road S.W. and being the **Principal Place of Beginning** of the parcel herein described:

Thence with the following fourteen (14) courses:

- 1) North 30 degrees 48 minutes 31 seconds East, 168.80 feet to an angle point in the easterly line of said Scranton Road S.W.;
- 2) North 10 degrees 45 minutes 15 seconds East, 211.90 feet continuing along the easterly line of said Scranton Road S.W. to a 5/8 inch iron pin set therein;
- 3) South 79 degrees 14 minutes 45 seconds East, 5.00 feet to a 5/8 inch iron pin set;
- 4) South 06 degrees 14 minutes 54 seconds West, 60.00 feet to a 5/8 inch iron pin set;

Ordinance No. 490-2022

- 5) South 08 degrees 07 minutes 31 seconds East, 45.00 feet to a 5/8 inch iron pin set;
- 6) South 39 degrees 29 minutes 55 seconds East, 52.31 feet to a 5/8 inch iron pin set;
- 7) South 70 degrees 52 minutes 20 seconds East, 45.00 feet to a 5/8 inch iron pin set;
- 8) South 85 degrees 18 minutes 23 seconds East, 70.00 feet to a 5/8 inch iron pin set;
- 9) South 10 degrees 09 minutes 25 seconds East, 50.00 feet to a 5/8 inch iron pin set;
- 10) South 83 degrees 33 minutes 21 seconds West, 127.00 feet to a 5/8 inch iron pin set;
- 11) South 72 degrees 23 minutes 43 seconds West, 43.00 feet to a 5/8 inch iron pin set;
- 12) South 53 degrees 06 minutes 54 seconds West, 88.60 feet to a 5/8 inch iron pin set;
- 13) South 35 degrees 26 minutes 13 seconds West, 73.75 feet to a 5/8 inch iron pin set;
- 14) North 59 degrees 11 minutes 29 seconds West, 5.00 feet to the **Principal Place of Beginning** and containing 19,801 square feet or 0.4546 acres of land more or less but subject to all legal highways.

The bearings used in this description are based upon the Ohio State Plane Coordinates System, North Zone, NAD83 (Conus)(Mol).

The above-described parcel being part of Auditor's Permanent Parcel No's: 008-19-003.

This description was prepared by John M. Zaranec, Jr. P.S. 7126 and was based on a survey performed by Euthenics, Inc. in May, 2022 for the Metrohealth System.

Section 2. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Mayor and/or the Commissioner of Purchases and Supplies, as appropriate, are authorized to acquire, accept, and record the standard highway easements described herein. The consideration to be paid for the property shall not exceed \$1.00 and other valuable consideration which is determined to be fair market value.

Ordinance No. 490-2022

Section 3. That the Mayor and the Commissioner of Purchases and Supplies are authorized to convey, acquire, or retain permanent and temporary easements over all of, or portions of, City Property and MetroHealth property to implement this ordinance, if the Director of Capital Projects determines that easements are needed for the Improvement.

Section 4. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire, accept, and record the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, review appraisers, and all other costs necessary for the acquisition of the property or easement interests.

Section 5. That the costs of acquiring, accepting, and recording the land or easement interests or any other costs associated with implementing this ordinance shall be paid from funds approved by the Director of Finance.

Section 6. 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 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
5-16-2022
FOR: Interim Director DeRosa

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READ FIRST TIME on MAY 16, 2022
and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEE on Municipal Services and Properties,
Development Planning and Sustainability,
Finance Diversity Equity and Inclusion

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **109** 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, DIVERSITY, EQUITY
and INCLUSION**

FILED WITH COMMITTEE

