

Ordinance No. 890-2022 AS AMENDED

By Council Member McCormack

AN EMERGENCY ORDINANCE

To supplement the Codified Ordinances of Cleveland, Ohio 1976, by enacting new Section 505.15, Easements Acceptance and Release for Tree Preservation, authorizing the Mayor's Office of Capital Projects to accept an easement for the purpose of preserving a tree in the right-of-way during sidewalk installation.

WHEREAS, in order to preserve trees during sidewalk installation without delay, the City desires standing authority to accept the grant of an easement across a property owner's frontage without requiring additional legislation; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety; now, therefore,

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

Section 1. That the Codified Ordinances of Cleveland, Ohio 1976, are supplemented by enacting new Section 505.15 as follows:

Section 505.15 Easements Acceptance and Release for Tree Preservation

(a) The Director of Mayor's Office of Capital Projects shall have the authority to accept on behalf of the City, a grant of an easement and any required appurtenances from any person, firm, corporation or political subdivision for the purpose of installing and ~~for maintaining sidewalks, and any required appurtenances needed for the installation~~ maintaining sidewalks of conventional or non-conventional sidewalk installation, while preserving a tree in the right of way that would otherwise be removed. Such grant shall be an easement across the property owner's frontage ~~with no fee.~~ The Director of Mayor's Office of Capital Projects is further authorized to release on behalf of the City an easement acquired pursuant to this section no longer needed for the purposes for which it was acquired, and no sooner than five (5) years following the completion date of the sidewalk installation. All such easements and releases of easements must be approved by the Director of Law and filed with ~~the County Recorder. The property owner shall not pay for the recording fees of the easement, which shall be paid by the City. The Director is further authorized to execute on behalf of the City all documents necessary to accept certain easement rights.~~ the County Recorder at the City's expense. The Director is further authorized to execute on behalf of the City all documents necessary to accept such easement and appurtenance rights.

(b) If for any reason, the tree dies or is removed in the future, the property owner may construct the sidewalk within the right-of-way and remove the sidewalk from the easement at the property owner's cost, ~~subject to the five (5) year restriction in division (a).~~ Such property owner may request the release of the sidewalk easement at ~~no further cost~~ the City's expense.

Section 2. 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.

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REPORT
after second Reading

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READ FIRST TIME on SEPTEMBER 12, 2022
and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
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 _____

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

FILED WITH COMMITTEE

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and INCLUSION**

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