

Ordinance No. 108-2024

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to execute a deed of easement granting to adjacent property owners, their successors and assigns, certain easement rights in property located in the Flats East Bank Development Area, and declaring that the easement rights granted are not needed for the City's public use.

WHEREAS, adjacent property owners to Permanent Parcel No. 101-11-003, their successors and assigns, are identified on the list placed in **File No. 108-2024-A** and their abutting locations to Permanent Parcel No. 101-11-003 are shown on the map also placed in the file ("Adjacent Property Owners"), have requested the Director of Capital Projects to convey certain easement rights in property located in the Flats East Bank Development Area; and

WHEREAS, the Adjacent Property Owners require an easement for roadway access onto their properties; 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 is not needed for the City's public use:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Parcel 4 in the Lot Split Plat & Consolidation Plat of PPN 101-11-002, 003, 004, 006, 014 & PPN 101-12-005 as shown by the recorded plat in Volume 376, Pages 69 through 71 of Cuyahoga County Records and comprising 109,750 square feet and 2.5195 acres of land.

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 the Adjacent Property Owners subject to any conditions stated in this ordinance. The consideration be paid for the easement interest shall be \$1.00, and other valuable consideration, which is determined to be fair market value.

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Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be for the Adjacent Property Owners to have roadway access onto their properties which otherwise would be landlocked.

Section 4. That the duration of the easement shall be perpetual; that the easement shall inure to the benefit to the parties hereto and their respective successors and assigns; that the easement shall require that the Adjacent Property Owners indemnify the City, provide reasonable insurance, 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 Capital Projects on behalf of the City of Cleveland. The Directors of Capital Projects 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.

RB:nl
1-29-2024
FOR: Director DeRosa

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(by departmental request)**

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**READ FIRST TIME on JANUARY 29, 2024
and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES 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. **111** Page _____

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COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

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COMMITTEE ON
**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

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COMMITTEE ON
**FINANCE, DIVERSITY, EQUITY
and INCLUSION**

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