C OF C 125-174

Ordinance No. 612-2024

By Council Members Bishop and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to execute one deed of permanent easement and two deeds of temporary easement granting to the Northeast Ohio Regional Sewer District certain easement rights at several City-owned properties located along Belvoir Boulevard within NEORSD's Nine Mile Creek Debris Rack Project area and declaring the easement rights not needed for the City's public use.

WHEREAS, the Northeast Ohio Regional Sewer District ("NEORSD") is conducting its Nine Mile Creek Rack Debris Rack Project to install a debris rack along Nine Mile Creek within land owned by the City adjacent to Belvoir Boulevard which will help protect the existing culvert that runs under Belvoir Boulevard from damage and clogging caused by large woody debris and from possible flooding downstream (the "Nine Mile Creek Project"); and

WHEREAS, NEORSD has requested the Director of Public Works to convey one deed of permanent easement and two deeds of temporary easement at City-owned properties which are located along Belvoir Boulevard to allow NEORSD to construct and maintain the Nine Mile Creek Project; 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:

Permanent Easement
117-08-001-P1
0.1405 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Euclid Township Lot No. 51, Tract 10. Also being part of the lands conveyed to the City of Cleveland, as recorded in Volume 7054, Page 128 of the Cuyahoga County Records, being more definitely described as follows:

Beginning at a point on the southerly line of Original Lot No. 51, said point being distant, North 88° 55' 11" East, 16.96 feet from the intersection of said northerly line of Original Lot No. 51 and the easterly right of way of Belvoir Boulevard (100 feet wide), said point also being on the southerly outline of said land conveyed to the City of Cleveland;

Thence, leaving said southerly line of Original Lot No. 51 and said southerly outline of City of Cleveland lands, North 33° 59' 22" East, 72.62 feet;

Thence, North 41° 26' 39" East, 38.36 feet;

Thence, North 47° 13' 33" East, 37.79 feet;

Thence, North 51° 26' 39" West, 26.21 feet;

Thence, South 75° 15' 37" West, 42.95 feet to said easterly right of way of Belvoir Boulevard;

Thence, binding on said easterly right of way of Belvoir Boulevard, North 22° 00' 21" East, 35.82 feet;

Thence, leaving said easterly right of way of Belvoir Boulevard, North 71° 11' 21" East, 28.97 feet;

Thence, North 39° 36' 50" East, 24.80 feet;

Thence, North 54° 29' 24" East, 29.11 feet;

Thence, South 13° 09' 48" East, 43.12 feet;

Thence, South 15° 34' 39" West, 45.62 feet;

Thence, South 30° 39' 23" West, 7.58 feet;

Thence, South 47° 44' 54" West, 40.01 feet;

Thence, South 41° 37' 31" West, 36.58 feet;

Thence, South 30° 43' 24" West, 51.37 feet;

Thence, South 42° 10' 15" West, 9.99 feet to said southerly line of Original Lot No. 51 and said southerly outline of City of Cleveland lands;

Thence, binding on said southerly line of Original Lot No. 51 and said southerly outline of City of Cleveland lands, South 88° 55' 11" West, 18.89 feet to the point of beginning.

Containing within said bounds 0.1405 acres (6,120 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, No. 7289 in February, 2024.

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

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

Temporary Easement
117-18-001-T-1
0.0603 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Euclid Township Lot No. 51, Tract 10. Also being part of the lands conveyed to the City of Cleveland, as recorded in Volume 7054, Page 128 of the Cuyahoga County Records, being more definitely described as follows;

Beginning at a point at the intersection of the southerly line of Original Lot No. 51 and the easterly right of way of Belvoir Boulevard (100 feet wide), said point also being on the southerly outline of said land conveyed to the City of Cleveland;

Thence, binding on said easterly right of way of Belvoir Boulevard, North 22° 00' 21" East, 37.82 feet;

Thence, leaving said easterly right of way of Belvoir Boulevard, North 54° 44' 39" East, 47.05 feet;

Thence, North 21° 58' 36" East, 71.38 feet;

Thence, North 75° 15' 37" East, 11.24 feet;

Thence, South 51° 26' 39" East, 26.21 feet;

Thence, South 47° 13' 33" West, 37.79 feet;

Thence, South 41° 26' 39" West, 38.36 feet;

Thence, South 33° 59' 22" West, 72.62 feet to said southerly line of Original Lot No. 51 and said southerly outline of City of Cleveland lands;

Thence, binding on said southerly line of said Original Lot No. 51 and said southerly outline of City of Cleveland lands, South 88° 55' 11" West, 16.96 feet to the point of beginning.

Containing within said bounds 0.0603 acres (2,627 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, No. 7289 in February, 2024.

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

Temporary Easement
117-18-001-T-2
0.0869 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Euclid Township Lot No. 51, Tract 10. Also being part of the lands conveyed to the City of Cleveland, as recorded in Volume 7054, Page 128 of the Cuyahoga County Records, being more definitely described as follows;

Beginning at a point on the southerly line of Original Lot No. 51, said point being distant, North 88° 55' 11" East, 35.85 feet from the intersection of said southerly line of Original Lot No. 51 and the easterly right of way of Belvoir Boulevard (100 feet wide), said point also being on the outline of said land conveyed to the City of Cleveland;

Thence, leaving said southerly line of Original Lot No. 51 and said outline of City of Cleveland lands, North 42° 10' 15" East, 9.99 feet;

Thence, North 30° 43' 24" East, 51.37 feet;

Thence, North 41° 37' 31" East, 36.58 feet;

Thence, North 47° 44' 54" East, 40.01 feet;

Thence, North 30° 39' 23" East, 7.58 feet;

Thence, North 15° 34' 39" East, 45.62 feet;

Thence, North 13° 09' 48" West, 43.12 feet;

Thence, South 54° 29' 24" West, 29.11 feet;

Thence, South 39° 36' 50" West, 24.80 feet;

Thence, South 71° 11' 21" West, 28.97 feet to said easterly right of way of Belvoir Boulevard;

Thence, binding on said easterly right of way of Belvoir Boulevard, North 22° 00' 21" East, 13.08 feet;

Thence, leaving said easterly right of way of Belvoir Boulevard, North 53° 00' 20" East, 39.39 feet;

Thence, North 54° 25' 57" East, 43.98 feet;

Thence, South 16° 44' 57" East, 69.53 feet;

Thence, South 85° 56' 14" East, 28.52 feet;

Thence, South 58° 36' 07" East, 10.07 feet;

Thence, South 59° 39' 50" West, 74.93 feet;

Thence, South 47° 44' 52" West, 40.50 feet;

Thence, South 41° 37' 31" West, 35.83 feet;

Thence, South 30° 43' 24" West, 51.39 feet:

Thence, South 42° 10' 15" West, 5.79 feet to said southerly line of Original Lot No. 51 and said outline of City of Cleveland lands;

Thence, binding on the said southerly line of Original Lot No. 51 and said outline of City of Cleveland lands, South 88° 55' 11" West, 6.86 feet to the point of beginning.

Containing within said bounds 0.0869 acres (3,786 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, No. 7289 in February, 2024.

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

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 non-exclusive easement interests to the NEORSD subject to any conditions stated in this ordinance at an appraised price of $1.00 and other valuable consideration, which is determined to be fair market value.

Section 4. That the purpose of the permanent easement is to construct and maintain the Nine Mile Creek Project and the purpose of the temporary easement is for construction access to Nine Mile Creek Project site and staging.

Section 5. That the duration of the permanent easement shall be perpetual; that the duration of the temporary easements shall be until construction of the Nine Mile Creek Project is completed, that the permanent easement and temporary easements may include reasonable right-of-entry rights to the City; that the permanent easement and temporary easements shall be assignable without the consent of the Director of Public Works; that the permanent easement and temporary easements shall require that the NEORSD or its contractor provide reasonable insurance, and pay any applicable taxes and assessments.

Section 6. That the conveyances referred to above shall be made by official deed of easement and official deeds of temporary easements prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The deed of permanent easement and the deeds of temporary easement shall contain any additional terms and conditions as are required to protect the interest of the City. The Directors of Public Works 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 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.

BD:nl
6-3-2024
FOR: Director Williams

Ord. No. 612-2024

By Council Members Bishop and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to execute one deed of permanent easement and two deeds of temporary easement granting to the Northeast Ohio Regional Sewer District certain easement rights at several City-owned properties located along Belvoir Boulevard within NEORSD's Nine Mile Creek Debris Rack Project area and declaring the easement rights not needed for the City's public use.

READ FIRST TIME on JUNE 3, 2024 **REPORTS**
and referred to DIRECTORS of Public Works,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Finance Diversity Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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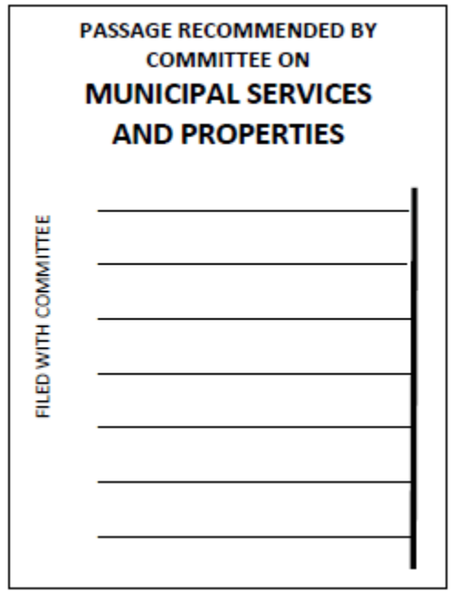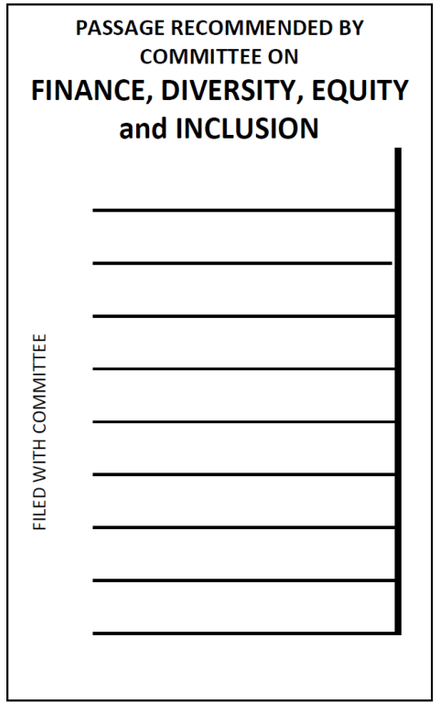
REPORT
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