

Ordinance No. 927-18

Council Members Johnson, Brancatelli and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to execute a deed of easement granting to the Cleveland Electric Illuminating Company certain easement rights in property located in Rockefeller Park along the west side of East 105th Street between Mt. Sinai Drive and East Boulevard; and declaring that the easement rights granted are not needed for public use.

WHEREAS, a permanent easement to the Cleveland Electric Illuminating Company ("CEI") is necessary in order to allow it to install new underground conduits and cables adjacent to the right-of-way to enhance their services in the surrounding area; 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:

Utility Easement Across P.P.N. 107-01-001- City of Cleveland

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original 100 Acre Lot No. 393, and bounded and described as follows:

Beginning at a point in the centerline of East 105th Street, 60 feet wide, at its intersection with the centerline of Wade Park Avenue, 70 feet wide;

Thence South 1 degree 6 minutes 10 seconds East along the centerline of East 105th Street, 780.01 feet to a point;

Thence South 89 degrees 00 minutes 23 seconds West, 30.00 feet to a point in the westerly line of East 105th Street at its intersection with the northerly line of a parcel of land conveyed to the City of Cleveland by deed recorded in Volume 660, Page 288 of Cuyahoga County Records;

Thence South 1 degree 6 minutes 10 seconds East along the westerly line of East 105th Street, 50.22 feet to a point, and the principal place of beginning of the easement herein described;

Thence South 1 degree 6 minutes 10 seconds East along the westerly line of East 105th Street, 16.97 feet to a point;

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Thence South 43 degrees 53 minutes 50 seconds West, 39.03 feet to a point;

Thence South 20 degrees 53 minutes 50 seconds West, 210.66 feet to a point;

Thence South 10 degrees 17 seconds 49 minutes East, 131.02 feet to a point;

Thence South 28 degrees 33 minutes 04 seconds East, 119.64 feet to a point;

Thence South 1 degree 6 minutes 10 seconds East, 128.50 feet to a point;

Thence South 88 degrees 53 minutes 50 seconds West, 22.62 feet to a point;

Thence South 36 degrees 53 minutes 50 seconds West, 73.66 feet to a point;

Thence South 0 degrees 1 minute 05 seconds East, 73.22 feet to a point;

Thence South 50 degrees 16 minutes 5 seconds East, 25.12 feet to a point;

Thence Due South, 198.86 feet to the curved northerly line of Parcel 1-SH of land conveyed by deed as Highway Easement to Cuyahoga County recorded in A.F.N 201108170326 of Cuyahoga County Records;

Thence southwesterly along the curved northerly line of said Highway Easement Parcel 1-SH, being the arc of a curve deflecting to the right, 16.10 feet to a point, said arc having a radius of 327.60 feet, a central angle of 2 degrees 48 minutes 58 seconds, and a chord which bears South 48 degrees 11 minutes 10 seconds West, 16.10 feet;

Thence Due North, 203.96 feet to a point;

Thence North 50 degrees 16 minutes 05 seconds West, 25.12 feet to a point;

Thence North 0 degrees 01 minutes 05 seconds West, 82.85 feet to a point;

Thence North 36 degrees 53 minutes 50 seconds East, 110.27 feet to a point;

Thence North 1 degree 6 minutes 10 seconds West, 92.49 feet to a point;

Thence North 28 degrees 33 minutes 04 seconds West, 118.63 feet to a point;

Thence North 10 degrees 17 minutes 49 seconds West, 136.30 feet to a point;

Thence North 20 degrees 53 minutes 50 seconds East, 216.45 feet to a point;

Thence North 43 degrees 53 minutes 50 seconds East, 53.48 feet to the principal place of beginning as described by Donald G. Bohning & Associates, Inc. in September, 2017.

Bearings are based upon GPS observations utilizing the ODOT Virtual Reference System dated August 29, 2017.

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

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easement interest to CEI subject to any conditions stated in this ordinance. The consideration to be paid for this property shall be \$69,500, which is determined to be fair market value.

Section 3. That the easement shall be exclusive and the purpose of the easement shall be to allow CEI to install new underground conduits and cables adjacent to the right-of-way to enhance their services in the surrounding area.

Section 4. That the duration of the easement shall be perpetual; that the easement shall not be assignable without the consent of the Director of Public Works; that the easement shall require that CEI provide reasonable insurance or self-insurance; maintain any CEI improvements located within the easement; 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 Public Works on behalf of the City of Cleveland. 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 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.

KG:nl
7-18-18

FOR: Director Cox

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READ FIRST TIME on JULY 18, 2018
and referred to DIRECTORS of Public Works,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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

FILED WITH COMMITTEE