

Ordinance No. 928-18

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to execute a deed of easement and a temporary deed of easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property needed for its Big Creek Bank Stabilization Project at John Nagy Boulevard; and declaring the easement rights not needed for the City’s public use.

WHEREAS, the Northeast Ohio Regional Sewer District (“NEORSD”) has requested the Director of Public Works to convey certain easement rights and temporary easement rights in property needed for its Big Creek Bank Stabilization Project at John Nagy Boulevard; 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 a permanent easement interest is not needed for the City’s public use and are further described as follows:

Permanent Easement City of Cleveland 3.2701 Acre

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Lot Nos. 36 and 45. Also being part of the land conveyed to City of Cleveland as recorded in Volume 5447, Page 153, Volume 6070, Page 185, Volume 6496, Page 405, Volume 1610, Page 297, Volume 4939, Page 445 and Volume 1044, Page 519 of the Cuyahoga County Records, being more definitely described as follows:

Commencing at the southeasterly corner of said Original Brooklyn Lot No. 36, said point being referenced by a 5/8" iron pin found 0.31 feet North and 0.28 feet East;

Thence, along the easterly line of said Original Brooklyn Lot No. 36, North 00° 32' 36" West, 1346.06 feet to the **True Point of Beginning** for the easement herein described;

Thence, leaving said easterly line, North 89° 30' 11" West, 16.80 feet;

Thence, North 89° 43' 32" West, 49.25 feet;

Thence, South 88° 55' 09" West, 49.44 feet;

Thence, South 87° 52' 29" West, 50.37 feet;

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Thence, South 86° 51' 49" West. 46.57 feet;

Thence, South 84° 31' 38" West, 52.92 feet;

Thence, South 84° 45' 11" West, 62.37 feet;

Thence, South 05° 14' 49" East, 6.63 feet;

Thence, South 82° 27' 38" West, 43.27 feet;

Thence, North 66° 12' 50" West, 19.23 feet;

Thence, South 85° 32' 23" West, 25.79 feet;

Thence, North 85° 49' 17" West, 51.75 feet;

Thence, South 77° 35' 54" West, 98.80 feet;

Thence, South 65° 36' 34" West, 23.95 feet;

Thence, South 70° 02' 11" West, 58.67 feet;

Thence, South 71° 41' 02" West, 35.99 feet;

Thence, South 72° 35' 50" West, 66.19 feet;

Thence, South 65° 26' 12" West, 93.54 feet;

Thence, South 47° 53' 54" West, 26.36 feet;

Thence, South 74° 53' 39" West, 21.83 feet;

Thence, North 32° 31' 16" West, 99.33 feet to the southerly right of way of CSX Transportation Railroad;

Thence, along said southerly right of way the following three courses;

Along the arc of a curve which deflects to the right, 478.22 feet, said curve having a radius of 1880.08 feet, a central angle of 14° 34' 26", and a chord of 476.93 feet which bears North 69° 46' 30" East;

Thence, North 77° 03' 27" East, 65.90 feet;

Thence, North 80° 03' 45" East, 489.57 feet;

Thence, leaving said southerly right of way, South 78° 46' 33" East, 66.97 feet;

Thence, South 64° 49' 43" East, 51.94 feet;

Thence, South 36° 35' 54" East, 54.66 feet;

Thence, South 51° 54' 10" West, 89.32 feet;

Thence, South 61° 08' 39" East, 17.83 feet;

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Thence, South 41° 21' 21" West, 21.10 feet;
Thence, South 13° 09' 06" West, 50.08 feet;
Thence, South 09° 36' 28" East, 24.82 feet;
Thence, North 68° 11' 54" West, 32.61 feet;
Thence, North 15° 19' 46" East, 75.34 feet;
Thence, South 46° 07' 31" West, 28.51 feet;
Thence, South 52° 26' 04" West, 30.66 feet;
Thence, South 89° 57' 28" West, 26.97 feet;
Thence, South 89° 30' 11" West, 67.00 feet to the point of beginning.

Containing within said bounds 3.2701 acres of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in August, 2017.

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 a temporary easement interest is not needed for the City’s public use and are further described as follows:

Temporary Easement City of Cleveland 4.6675 Acre

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Lot Nos. 36 and 45. Also being part of the land conveyed to City of Cleveland as recorded in Volume 5447, Page 153, Volume 6070, Page 185, Volume 6496, Page 405, Volume 1610, Page 297, Volume 4939, Page 445 and Volume 1044, Page 519 of the Cuyahoga County Records, being more definitely described as follows:

Commencing at the southeasterly corner of said Original Brooklyn Lot No. 36, said point being referenced by a 5/8" iron pin found 0.31 feet North and 0.28 feet East;
Thence, along the easterly line of said Original Brooklyn Lot No. 36, North 00° 32' 36" West. 1252.97 feet to the True Point of Beginning for the easement herein described;
Thence, North 86° 03' 17" West, 51.51 feet;
Thence, North 89° 26' 47" West, 107.82 feet;
Thence, South 88° 04' 10" West, 92.76 feet;

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Thence, South 83° 17' 24" West, 26.75 feet;

Thence, South 81° 32' 42" West, 77.93 feet;

Thence, South 80° 45' 14" West, 45.38 feet;

Thence, South 83° 52' 53" West, 54.10 feet;

Thence, South 81° 22' 23" West, 159.47 feet;

Thence, South 78° 27' 09" West, 98.86 feet;

Thence, South 69° 50' 23" West, 38.28 feet;

Thence, South 65° 47' 01" West, 79.57 feet;

Thence, South 65° 04' 49" West, 48.03 feet;

Thence, South 56° 41' 23" West, 100.98 feet;

Thence, South 52° 56' 08" West, 61.35 feet;

Thence, South 52° 55' 44" West, 88.99 feet;

Thence, South 41° 53' 24" West, 83.72 feet;

Thence, South 39° 36' 00" West, 74.36 feet;

Thence, South 41° 07' 54" West, 34.57 feet;

Thence, North 49° 12' 59" West, 43.99 feet;

Thence, North 48° 52' 53" West, 62.57 feet;

Thence, North 40° 52' 16" East, 209.12 feet;

Thence, North 41° 00' 42" West, 65.23 feet to the southerly right of way of CSX Transportation Railroad; Thence, along said southerly right of way the following three courses;

North 52° 27' 43" East, 13.51 feet;

Thence, North 55° 27' 48" East, 65.90 feet;

Thence, along the arc of a curve which deflects to the right, 230.54 feet, said curve having a radius of 1880.08 feet, a central angle of 07° 01' 33", and a chord of 230.40 feet which bears North 58° 58' 30" East;

Thence, leaving said southerly right of way, South 32° 31' 16" East, 99.33 feet; Thence, North 74° 53' 39" East, 21.83 feet;

Thence, North 47° 53' 54" East, 26.36 feet;

Thence, North 65° 26' 12" East, 93.54 feet;

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Thence, North 72° 35' 50" East, 66.19 feet;
Thence, North 71° 41' 02" East, 35.99 feet;
Thence, North 70° 02' 11" East, 58.67 feet;
Thence, North 65° 36' 34" East, 23.95 feet;
Thence, North 77° 35' 54" East, 98.80 feet;
Thence, South 85° 49' 17" East, 51.75 feet;
Thence, North 85° 32' 23" East, 25.79 feet;
Thence, South 66° 12' 50" East, 19.23 feet;
Thence, North 82° 27' 38" East, 43.27 feet;
Thence, North 05° 14' 49" West, 6.63 feet;
Thence, North 84° 45' 11" East, 62.37 feet;
Thence, North 84° 31' 38" East, 52.92 feet;
Thence, North 86° 51' 49" East, 46.57 feet;
Thence, North 87° 52' 29" East, 50.37 feet;
Thence, North 88° 55' 09" East, 49.44 feet;
Thence, South 89° 43' 32" East, 49.25 feet;
Thence, South 89° 30' 11" East, 16.80 feet;
Thence, South 89° 30' 11" East, 67.00 feet;
Thence, North 89° 57' 28" East, 26.97 feet;
Thence, North 52° 26' 04" East, 30.66 feet;
Thence, North 46° 07' 31" East, 28.51 feet;
Thence, South 15° 19' 46" West, 75.34 feet;
Thence, South 68° 11' 54" East, 32.61 feet;
Thence, North 09° 36' 28" West, 24.82 feet;
Thence, North 13° 09' 06" East, 50.08 feet;
Thence, North 41° 21' 21" East, 21.10 feet;
Thence, North 61° 08' 39" West, 17.83 feet;

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Thence, North 51° 54' 10" East, 89.32 feet;

Thence, North 36° 35' 54" West, 54.66 feet;

Thence, North 64° 49' 43" West, 51.94 feet;

Thence, North 78° 46' 33" West, 66.97 feet to the southerly right of way of CSX Transportation Railroad; Thence, along said southerly right of way, North 80° 03' 45" East, 165.41 feet;

Thence, leaving said southerly right of way, South 08° 44' 31" East, 167.70 feet;

Thence, South 49° 07' 34" West, 50.09 feet;

Thence, South 38° 02' 04" East, 119.68 feet;

Thence, South 62° 23' 31" East, 120.92 feet;

Thence, South 16° 57' 23" West, 75.76 feet;

Thence, North 66° 02' 14" West, 60.44 feet;

Thence, North 67° 52' 35" West, 120.32 feet;

Thence, North 83° 37' 28" West, 93.81 feet;

Thence, North 71° 05' 57" West, 64.67 feet;

Thence, North 77° 28' 27" West, 59.50 feet;

Thence, North 86° 03' 17" West, 9.05 feet to the point of beginning.

Containing within said bounds 4.6675 acres of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in August, 2017.

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 permanent easement interest and the exclusive temporary easement interest to NEORSD at a price of \$1.00 and other valuable consideration, which is determined to be fair market value.

Section 4. That the purpose of the easements shall be to access and perform future maintenance on the project site and for access and staging to the Big Creek Bank Stabilization Project at John Nagy Boulevard.

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Section 5. That the duration of the permanent easement shall be perpetual; that the duration of the temporary easement shall be until the Big Creek Bank Stabilization Project is completed; that the permanent easement and temporary easement may include reasonable right of entry rights to the City; that the easement and temporary easement shall not be assignable without the consent of the Director of Public Works; that the permanent easement and temporary easement shall require that 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 deed of temporary easement prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The deed of easement and the deed 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.

LW: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