

# Ordinance No. 929-18

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 two temporary deeds of easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property needed for its Doan Brook Stabilization Project at Wade Park; and declaring the easement rights not needed for the City’s public use.

WHEREAS, the Northeast Ohio Regional Sewer District (“NEORS”) has requested the Director of Public Works to convey certain easement rights and temporary easement rights in property needed for its Doan Brook Stabilization Project at Wade Park; 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 located across Doan Brook is not needed for the City’s public use and are further described as follows:

**Permanent Stormwater Easement  
Across PPN 120-36-001  
2.4940 Acre**

**Situated** in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot Nos. 394 and 402. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 341, Page 165 of the Cuyahoga County Records, being more definitely described as follows;

**Commencing** at a drill hole in a stone in a monument box found at the intersection of the centerline of E. 105<sup>th</sup> Street (width varies) and the centerline of Park Lane;

- Thence, along the centerline of E. 105<sup>th</sup> Street, North 01° 05' 59" West, 406.62 feet;
- Thence, leaving the centerline of E. 105<sup>th</sup> Street, North 88° 54' 01" East, 310.85 feet to the easterly curb line of Martin Luther King Jr. Drive;
- Thence, leaving the easterly curb line of Martin Luther King Jr. Drive, South 78° 55' 24" East, 215.59 feet;
- Thence, North 81° 39' 55" East, 18.35 feet to the **True Point of Beginning** for the easement herein described;
- Thence, North 44° 44' 24" West, 84.03 feet;
- Thence, North 32° 47' 36" West, 57.77 feet;
- Thence, North 15° 57' 32" West, 52.43 feet;
- Thence, North 01° 04' 16" East, 124.71 feet;
- Thence, North 44° 49' 51" West, 141.80 feet;
- Thence, North 35° 49' 22" West, 62.88 feet;

# Ordinance No. 929-18

---

Thence, North 19° 51' 10" West, 82.75 feet;

Thence, North 00° 40' 31" West, 132.13 feet;

Thence, North 73° 27' 44" West, 82.81 feet to the easterly curb line of Martin Luther King Jr. Drive;

Thence, along the easterly curb line of Martin Luther King Jr. Drive the following three courses:

Along the arc of a curve which deflects to the right, 71.82 feet, said curve having a radius of 580.00 feet, a central angle of 07° 05' 42", and a chord of 71.78 feet which bears North 18° 34' 08" East;

Thence, North 22° 06' 59" East, 27.00 feet;

Thence, North 23° 52' 54" East, 138.05 feet;

Thence, leaving the easterly curb line of Martin Luther King Jr. Drive, South 46° 35' 48" East, 36.48 feet;

Thence, along the arc of a curve which deflects to the right, 79.95 feet, said curve having a radius of 214.58 feet, a central angle of 21° 20' 51", and a chord of 79.49 feet which bears South 35° 55' 22" East;

Thence, North 66° 34' 26" East, 9.43 feet;

Thence, South 17° 14' 25" East, 34.90 feet;

Thence, South 16° 12' 33" East, 106.47 feet;

Thence, South 72° 54' 06" West, 8.64 feet;

Thence, South 17° 05' 54" East, 67.97 feet;

Thence, South 29° 38' 35" East, 11.06 feet;

Thence, South 21° 19' 03" East, 123.64 feet;

Thence, South 07° 54' 01" East, 91.79 feet;

Thence, South 25° 43' 32" East, 59.09 feet;

Thence, South 10° 56' 22" East, 44.51 feet;

Thence, South 01° 46' 13" West, 103.73 feet;

Thence, South 22° 33' 01" East, 52.91 feet;

Thence, South 44° 17' 57" East, 85.66 feet;

Thence, South 26° 59' 20" East, 68.29 feet;

Thence, South 81° 39' 55" West, 80.03 feet to the point of beginning.

Containing within said bounds 2.4940 acres (108,639 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in October 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 two temporary easement interests located on both sides of Doan Brook are not needed for the City’s public use and are further described as follows:

# Ordinance No. 929-18

**Temporary Construction Easement 1**  
**Across PPN 120-36-001**  
**2.4182 Acre**

**Situated** in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot Nos. 394 and 402. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 341, Page 165 of the Cuyahoga County Records, being more definitely described as follows;

**Commencing** at a drill hole in a stone in a monument box found at the intersection of the centerline of E. 105<sup>th</sup> Street (width varies) and the centerline of Park Lane;

Thence, along the centerline of E. 105<sup>th</sup> Street, North 01° 05' 59" West, 406.62 feet;

Thence, leaving the centerline of E. 105<sup>th</sup> Street, North 88° 54' 01" East, 310.85 feet to the easterly curb line of Martin Luther King Jr. Drive and the **True Point of Beginning** for the easement herein described;

Thence along the easterly curb line of Martin Luther King Jr. Drive the following six courses:

Along the arc of a curve which deflects to the right, 203.20 feet, said curve having a radius of 731.12 feet, a central angle of 15° 55' 26", and a chord of 202.54 feet which bears North 28° 02' 49" West;

Thence, North 20° 05' 06" West, 77.21 feet;

Thence, North 08° 01' 04" West, 82.05 feet;

Thence, along the arc of a curve which deflects to the right, 129.83 feet, said curve having a radius of 718.50 feet, a central angle of 10° 21' 11", and a chord of 129.65 feet which bears North 02° 50' 29" West;

Thence, North 02° 20' 07" East, 41.00 feet;

Thence, along the arc of a curve which deflects to the right, 128.42 feet, said curve having a radius of 580.00 feet, a central angle of 12° 41' 10", and a chord of 128.16 feet which bears North 08° 40' 42" East;

Thence, leaving the easterly curb line of Martin Luther King Jr. Drive, South 73° 27' 44" East, 82.81 feet;

Thence, South 00° 40' 31" East, 132.13 feet;

Thence, South 19° 51' 10" East, 82.75 feet;

Thence, South 35° 49' 22" East, 62.88 feet;

Thence, South 44° 49' 51" East, 141.80 feet;

Thence, South 01° 04' 16" West, 124.71 feet;

Thence, South 15° 57' 32" East, 52.43 feet;

Thence, South 32° 47' 36" East, 57.77 feet;

Thence, South 44° 44' 24" East, 84.03 feet;

Thence, South 81° 39' 55" West, 18.35 feet;

Thence, North 78° 55' 24" West, 215.59 feet to the point of beginning.

Containing within said bounds 2.4182 acres (105,335 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in October 2017.

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

**Temporary Construction Easement 2**  
**Across PPN 120-36-001**  
**1.2228 Acre**

**Situated** in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot Nos. 394 and 402. Also being part of the land conveyed to the City of Cleveland as

# Ordinance No. 929-18

---

recorded in Volume 341, Page 165 of the Cuyahoga County Records, being more definitely described as follows;

**Commencing** at a drill hole in a stone in a monument box found at the intersection of the centerline of E. 105<sup>th</sup> Street (width varies) and the centerline of Park Lane;

Thence, along the centerline of E. 105<sup>th</sup> Street, North 01° 05' 59" West, 406.62 feet;

Thence, leaving the centerline of E. 105<sup>th</sup> Street, North 88° 54' 01" East, 310.85 feet to the easterly curb line of Martin Luther King Jr. Drive;

Thence, leaving the easterly curb line of Martin Luther King Jr. Drive, South 78° 55' 24" East, 215.59 feet;

Thence, North 81° 39' 55" East, 98.37 feet to the **True Point of Beginning** for the easement herein described;

Thence, North 26° 59' 20" West, 68.29 feet;

Thence, North 44° 17' 57" West, 85.66 feet;

Thence, North 22° 33' 01" West, 52.91 feet;

Thence, North 01° 46' 13" East, 103.73 feet;

Thence, North 10° 56' 22" West, 44.51 feet;

Thence, North 25° 43' 32" West, 59.09 feet;

Thence, North 07° 54' 01" West, 91.79 feet;

Thence, North 21° 19' 03" West, 123.64 feet;

Thence, North 29° 38' 35" West, 11.06 feet;

Thence, North 17° 05' 54" West, 67.97 feet;

Thence, North 72° 54' 06" East, 8.64 feet;

Thence, North 16° 12' 33" West, 106.47 feet;

Thence, North 17° 14' 25" West, 34.90 feet;

Thence, South 66° 34' 26" West, 9.43 feet;

Thence, along the arc of a curve which deflects to the left, 79.95 feet, said curve having a radius of 214.58 feet, a central angle of 21° 20' 51", and a chord of 79.49 feet which bears North 35° 55' 22" West;

Thence, North 46° 35' 48" West, 36.48 feet to the easterly curb line of Martin Luther King Jr. Drive;

Thence, along the easterly curb line of Martin Luther King Jr. Drive, North 23° 52' 54" East, 35.50 feet;

Thence, leaving the easterly curb line of Martin Luther King Jr. Drive, South 65° 29' 31" East, 103.84 feet;

Thence, South 43° 43' 15" East, 29.62 feet;

Thence, South 35° 03' 50" East, 10.50 feet to the northerly line of land conveyed to the Cleveland Museum of Art as recorded in Volume 1901, Page 42, Volume 8278, Page 387, Volume 12328, Page 601 and Volume 15651, Page 773 of the Cuyahoga County Records;

Thence, along the Cleveland Museum of Art's northerly line, along the arc of a curve which deflects to the right, 29.19 feet to the westerly line of said land conveyed to the Cleveland Museum of Art, said curve having a radius of 126.02 feet, a central angle of 13° 16' 15", and a chord of 29.12 feet which bears North 57° 04' 44" West;

Thence, along the Cleveland Museum of Art's westerly line the following four courses:

South 08° 19' 36" East, 91.71 feet;

# Ordinance No. 929-18

---

Thence, South 17° 37' 21" East, 157.03 feet;

Thence, South 30° 10' 01" East, 133.21 feet;

Thence, South 08° 19' 36" East, 304.47 feet to the southerly line of said land conveyed to the Cleveland Museum of Art;

Thence, along the Cleveland Museum of Art's southerly line, North 81° 40' 24" East, 5.76 feet;

Thence, leaving the Cleveland Museum of Art's southerly line, South 00° 17' 55" East, 17.03 feet;

Thence, South 53° 12' 32" East, 23.61 feet;

Thence, South 56° 22' 32" East, 77.32 feet;

Thence, South 13° 21' 59" East, 115.68 feet;

Thence, South 81° 39' 55" West, 60.63 feet to the point of beginning.

Containing within said bounds 1.2228 acres (53,266 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in October 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 two exclusive temporary easement interests 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 Doan Brook Stabilization Project at Wade Park.

Section 5. That the duration of the permanent easement shall be perpetual; that the duration of the temporary easements shall be until the Doan Brook Stabilization Project is completed; that the permanent easement and temporary easements may include reasonable right of entry rights to the City; that the easement and temporary easements shall not be assignable without the consent of the Director of Public Works; that the permanent easement and temporary easements shall require that NEORSD or its contractor provide reasonable insurance, and pay any applicable taxes and assessments.

# Ordinance No. 929-18

---

Section 6. That the conveyances referred to above shall be made by official deed of easement and official deeds 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 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.

LW:nl  
7-18-18  
  
FOR: Director Cox

**Ord. No. 929-18**

**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 two temporary deeds of easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property needed for its Doan Brook Stabilization Project at Wade Park; and declaring the easement rights not needed for the City's public use.

**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**

Recorded Vol. **105** Page \_\_\_\_\_

Published in the City Record\_\_\_\_\_

**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