

Ordinance No. 1031-18

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to execute deeds of easement granting to The Board of Park Commissioners of the Cleveland Metropolitan Park District certain easement rights in properties located north and south of Whiskey Island Drive; declaring that the easement rights granted are not needed for public use; and authorizing the director to enter into one or more agreements with the Cleveland Metroparks to construct and maintain a portion of the Whiskey Island Connector on City property.

WHEREAS, The Board of Park Commissioners of the Cleveland Metropolitan Park District (“Cleveland Metroparks”) has received funding from numerous sources to construct and maintain the Whiskey Island Connector, which will connect Edgewater Park and Wendy Park/Whiskey Island, and connect to the new Wendy Park Bridge and the larger trail network including the Towpath Trail; and

WHEREAS, in order to construct the Whiskey Island Connector, it is necessary that the Cleveland Metroparks obtain permanent, non-exclusive easements on properties adjoining Whiskey Island Drive and/or property interests in Whiskey Island Drive; 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 easement interests in the following described properties are not needed for the City’s public use:

Whiskey Island Connector Trail Easement – East

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 50, also being part of land described in deed to the City of Cleveland, recorded in Volume 659, Page 145, and further described as follows:

Ordinance No. 1031-18

Commencing at a 5/8” iron pin found at the most northerly corner of Whiskey Island Drive (25 feet wide), recorded in Plat Volume 240, Page 92, also being a southwesterly corner of land described in deed to the Cleveland-Cuyahoga County Port Authority (“CCCPA”), recorded in Volume 97-02331, Page 56, also being the most westerly corner of Easement Parcel No. 4 described in deed to the Board of Park Commissioners of the Cleveland Metropolitan Park District, recorded in AFN 201703200362; Thence North 62° 18’ 19” East, 54.07 feet along the southeasterly line of said CCCPA land and the northwesterly line of said Easement Parcel No. 4 to a southerly corner of said CCCPA land, also being in the southwesterly line of said City of Cleveland land and the Point of Beginning;

- 1) Thence North 34° 20’ 05” West, 4.21 feet along the southwesterly line of said City of Cleveland Land and the southeasterly line of said CCCPA land to a 5/8” iron pin with illegible cap found at the northwesterly corner of said City of Cleveland land;
- 2) Thence North 54° 40’ 33” East, 99.93 feet along the northwesterly line of said City of Cleveland land and the southeasterly line of said CCCPA land to a stone with drill hole found at the northeasterly corner of said City of Cleveland land;
- 3) Thence South 35° 21’ 48” East, 10.89 feet along the northeasterly line of said City of Cleveland land and the southeasterly line of said CCCPA land to a 5/8” iron pin found at a southeasterly corner of said CCCPA land, also being in the northwesterly line of said Easement Parcel No. 4;
- 4) Thence South 50° 05’ 24” West, 31.50 feet along the northwesterly line of said Easement Parcel No. 4;
- 5) Thence South 62° 18’ 19” West, 69.22 feet along the northwesterly line of said Easement Parcel No. 4 to the Point of Beginning and containing 986 square feet (0.0226 acres).

This description was prepared from record information and from a field survey completed in July 2014 by Jarrod R. Schnell, PS#8623, for Cleveland Metroparks. The bearings are based on State Plane Coordinate Grid, Ohio North 1983 (2011), derived from GPS observations. References to recorded documents are those of the Cuyahoga County Recorder’s Office.

Whiskey Island Connector Trail Easement – West

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 50, also being part of vacated West 58th Street (66 feet wide, formerly known as Waverly Avenue), vacated by City of Cleveland Ordinance No. 26417, passed October 30, 1899, also being part of land conveyed to the City of Cleveland, and further described as follows:

Beginning at a Drill Hole with “X” found in a concrete retaining wall in the southerly line of Whiskey Island Drive (25 feet wide), as shown by the Dedication Map recorded in Plat Volume 240, Page 92;

- 1) Thence northeasterly along the southeasterly line of said Whiskey Island Drive, 85.78 feet along the arc of a curve to the left, said arc having a radius of 5649.65 feet, central angle 0° 52’ 12”, chord bearing North 61° 00’ 39” East, 85.78 feet, to a northwesterly corner of Norfolk Southern Railway Company land;
- 2) Thence South 29° 25’ 27” East, 30.00 feet along the southwesterly line of said Norfolk Southern Railway Company land;
- 3) Thence southwesterly along the northwesterly line of said Norfolk Southern Railway Company land, 106.64 feet along the arc of a curve to the right, said arc having a radius

Ordinance No. 1031-18

- of 5679.65 feet, central angle 1° 04' 33", chord bearing South 61° 06' 50" West, 106.64 feet to a point of compound curvature;
- 4) Thence westerly 129.00 feet along the arc of a curve to the right, said arc having a radius of 179.71 feet, central angle 41° 07' 44", chord bearing North 89° 22' 42" West, 126.25 feet, to the southerly extension of the westerly line of said Whiskey Island Drive;
 - 5) Thence North 00° 31' 34" West, 33.08 feet along the southerly extension of the westerly line of said Whiskey Island Drive to the southwesterly corner of said Whiskey Island Drive;
 - 6) Thence easterly along the southerly line of said Whiskey Island Drive, 135.42 feet along the arc of a curve to the left, said arc having a radius of 139.34 feet, central angle 55° 40' 57", chord bearing North 89° 17' 11" East, 130.15 feet, to the Point of Beginning and containing 6,872 square feet (0.1578 acres.)

This description was prepared from record information and from a field survey completed in July 2014 by Jarrod R. Schnell, PS#8623, for Cleveland Metroparks. The bearings are based on State Plane Coordinate Grid, Ohio North 1983 (2011), derived from GPS observations. References to recorded documents are those of the Cuyahoga County Recorder's Office.

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 interests to Cleveland Metroparks subject to any conditions stated in this ordinance. The consideration to be paid for the properties shall not exceed \$1.00 and other valuable consideration, which is determined to be fair market value.

Section 3. That the easements shall be non-exclusive and the purpose of the easements shall be to allow Cleveland Metroparks to construct and maintain the Whiskey Island Connector which will provide access between Edgewater Park and Wendy Park/Whiskey Island and will connect to a new Wendy Park Bridge and the larger trail network that includes the Towpath Trail.

Section 4. That the duration of the easements shall be perpetual; that the easements shall not be assignable without the consent of the Director of Public Works; that the easements shall require that Cleveland Metroparks provide reasonable insurance or self-insurance; maintain any Cleveland Metroparks improvements located within the easements; and pay any applicable taxes and assessments; and that the

Ordinance No. 1031-18

easements 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 conveyances referenced above shall be made by official deeds 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 the Director of Public Works is authorized to enter into one or more agreements with the Cleveland Metroparks to construct and maintain a portion of the Whiskey Island connector on City property.

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
8-15-18

FOR: Director Cox

Ord. No. 1031-18

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READ FIRST TIME on AUGUST 15, 2018
and referred to DIRECTORS of Public Works,
City Planning Commission, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ 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