

# Ordinance No. 1044-18

**Council Members McCormack, Johnson and Brancatelli (by departmental request)**

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to execute a deed of easement and a deed of temporary easement granting to The Board of Park Commissioners of the Cleveland Metropolitan Park District certain easement rights in property needed for the Wendy Park Bridge Project; declaring the easement rights not needed for the City's 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 Wendy Park Bridge on City property.

WHEREAS, The Board of Park Commissioners of the Cleveland Metropolitan Park District ("Cleveland Metroparks") has requested the Director of Capital Projects to convey certain easement rights and temporary easement rights in property needed for the Wendy Park Bridge 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 a permanent easement interest located over a portion of Permanent Parcel No. 003-05-011 and further described as follows and is not needed for the City's public use:

City of Cleveland  
Permanent Easement Parcel 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being part of Original Brooklyn Township Lot No. 51, also being known as part of land described in deed to the City of Cleveland, recorded in Volume 659, Page 209, Cuyahoga County Deed Records and described as follows:

Commencing at the northwesterly corner of relocated Salt Road N.W. (width varies), recorded in Volume 198, Page 51, Cuyahoga County Map Records; Thence South 12° 16' 40" West, 21.80 feet along the westerly line of said relocated Salt Road N.W.; Thence South 71° 35' 34" East, 134.91 feet along the southerly line of said relocated Salt Road N.W. to the northwesterly corner of Salt Road N.W. (width varies), recorded in Volume 190, Page 59, Cuyahoga County Map Records; Thence South 18° 24' 10" West, 49.85 feet along the westerly line of said Salt Road N.W. to the northerly line of said City of Cleveland land and the Point of Beginning;

- 1) Thence North 71° 45' 32" East, 16.18 feet along the northerly line of said City of Cleveland land and the southerly line of said Salt Road N.W.;

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- 2) Thence South  $01^{\circ} 17' 08''$  West, 23.85 feet to a point of curvature;
- 3) Thence southwesterly 46.65 feet along the arc of a curve to the right, said arc having a radius of 57.00 feet, central angle  $46^{\circ} 53' 28''$ , chord bearing South  $24^{\circ} 43' 52''$  West, 45.36 feet;
- 4) Thence South  $18^{\circ} 24' 10''$  W, about 21.48 feet to the waters edge of the old channel of the Cuyahoga River;
- 5) Thence S  $82^{\circ} 11' 51''$  W, about 8.38 feet along the waters edge of the old channel of the Cuyahoga River;
- 6) Thence S  $57^{\circ} 44' 57''$  W, about 11.80 feet along the waters edge of the old channel of the Cuyahoga River;
- 7) Thence North  $18^{\circ} 24' 10''$  East, 92.52 feet along the southerly prolongation of the easterly line of Parcel No. 3-A, described in deed to the Ontario Stone Corporation, recorded in Volume 14625, Page 851, Cuyahoga County Deed Records and along the easterly line of said Parcel No 3-A, also being the westerly line of said City of Cleveland land, to the Point of Beginning and containing 1,643 square feet (0.0377 acres).

This description was prepared from record information and from a field survey completed in January 2018 by Cleveland Metroparks. The bearings are based on State Plane Coordinate Grid, Ohio North 1983 (2011), derived from GPS observations.

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 located over Permanent Parcel No. 003-05-011 and further described as follows is not needed for the City's public use:

City of Cleveland  
Wendy Park Bridge

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being part of Original Brooklyn Township Lot No. 51, also being known as part of land described in deed to the City of Cleveland, recorded in Volume 659, Page 209, and further described as follows:

Commencing at the northwesterly corner of relocated Salt Road N.W. (width varies), recorded in Plat Volume 198, Page 51; Thence South  $12^{\circ} 16' 40''$  West, 21.80 feet along the westerly line of said relocated Salt Road N.W.; Thence South  $71^{\circ} 35' 34''$  East, 134.91 feet along the southerly line of said relocated Salt Road N.W. to the northwesterly corner of Salt Road N.W. (width varies), recorded in Plat Volume 190, Page 59; Thence South  $18^{\circ} 24' 10''$  West, 49.85 feet along the westerly line of said Salt Road N.W. to the northerly line of said City of Cleveland land and the Point of Beginning;

- 1) Thence North  $71^{\circ} 45' 32''$  East, 43.67 feet along the northerly line of said City of Cleveland land and the southerly line of said Salt Road N.W. to a point of curvature;
- 2) Thence southeasterly along the northerly line of said City of Cleveland land and the southwesterly line of said Salt Road N.W., 35.69 feet along the arc of a curve to the right, said arc having a radius of 20.00 feet, central angle  $102^{\circ} 14' 49''$ , chord bearing South  $57^{\circ} 07' 22''$  East, 31.14 feet;
- 3) Thence South  $06^{\circ} 00' 15''$  East, 20.60 feet along the easterly line of said City of Cleveland land and the westerly line of said Salt Road N.W. to the westerly line of Willow Avenue N.W. (50 feet wide);
- 4) Thence South  $18^{\circ} 24' 10''$  West, 29.81 feet along the westerly line of said Willow Avenue to the waters edge of the old channel of the Cuyahoga River;

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Thence southwesterly along the waters edge of the old channel of the Cuyahoga River, the following four courses:

- 5) South 87° 11' 47" West, 33.92 feet;
- 6) South 19° 34' 36" West, 11.92 feet;
- 7) South 58° 41' 15" West, 27.02 feet;
- 8) South 82° 14' 31" West, 19.35 feet;
  
- 9) Thence North 71° 35' 34" West, 7.00 feet to the westerly line of said City of Cleveland land, also being the easterly line of Parcel No. 3-A described in deed to the Ontario Stone Corporation, recorded in Volume 14625, Page 851;
- 10) Thence North 18° 24' 10" East, 83.62 feet along the westerly line of said City of Cleveland land and the easterly line of said Parcel No 3-A to the Point of Beginning and containing 5,621 square feet (0.1290 acres).

This description was prepared from record information and from a field survey completed in January 2018 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 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 non-exclusive temporary easement interest as described in Sections 1 and 2 to Cleveland Metroparks 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 construct the Wendy Park Bridge and to perform future maintenance on the project site.

Section 5. That the Commissioner of Purchases and Supplies is authorized to convey additional permanent and temporary easements over portions of PPN 003-05-011 to Cleveland Metroparks for the Wendy Park Bridge Project if the Director of Capital Projects determines that additional or relocated easements are needed for the project or Cleveland Metroparks' maintenance of City's property.

Section 6. That the duration of the permanent easement shall be perpetual; that the duration of the temporary easement shall be until the Wendy Park Bridge 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 Capital Projects; that the permanent easement and temporary easement shall require that Cleveland Metroparks

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or its contractor provide reasonable insurance, and pay any applicable taxes and assessments.

Section 7. 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 Capital Projects 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 within the bounds of the easement. The Directors of Capital Projects 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 8. That the Director of Capital Projects is authorized to enter into one or more agreements with the Cleveland Metroparks to construct and maintain a portion of the Wendy Park Bridge on City property.

Section 9. That by and at the Director of the Board of Control, and upon documents prepared and approved by the Director of Law and executed by the Director of Capital Projects, the Commissioner of Purchases and Supplies is authorized to convey easement interests, temporary or permanent, over other portions of Permanent Parcel No. 003-05-011, at a cost of \$1.00 and other valuable consideration, if needed for the construction, maintenance or operation of the Wendy Park Bridge, this Council having determined that such property interests are not needed for the City's public use.

Section 10. 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 Spronz

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REPORT  
after second Reading

**Council Members McCormack, Johnson and Brancatelli  
(by departmental request)**

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

REPORTS

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CITY CLERK

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READ SECOND TIME

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CITY CLERK

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READ THIRD TIME

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PRESIDENT

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CITY CLERK

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APPROVED

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MAYOR

Recorded Vol. \_\_\_\_\_ Page \_\_\_\_\_

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

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**MUNICIPAL SERVICES  
AND PROPERTIES**

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**DEVELOPMENT, PLANNING AND  
SUSTAINABILITY**

FILED WITH COMMITTEE

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