

Ordinance No. 1444-18

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to the Board of Park Commissioners of the Cleveland Metropolitan Park District to encroach into the public right-of-way of various streets by installing, using and maintaining an asphalt all-purpose trail.

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 the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to the Board of Park Commissioners of the Cleveland Metropolitan Park District, 1410 Fulton Parkway, Cleveland, OH 44144 ("Permittee"), to encroach into the public right-of-way of various streets of by installing, using and maintaining an asphalt all-purpose trail, at the following locations:

West 53rd Street Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 48, and further described as follows:

Commencing at the intersection of the westerly line of West 53rd Street (60 feet wide) with the southerly line of Reimer Avenue (40 feet wide), also being the northeasterly corner of land described in deed to the City of Cleveland, recorded in Volume 87-5861, Page 42; Thence South 01° 18' 00" East, 101.31 feet along the westerly line of said West 53rd Street to the Point of Beginning;

- 1) Thence North 88° 42' 00" East, 60.00 feet to the easterly line of said West 53rd Street;
- 2) Thence South 01° 18' 00" East, 30.00 feet along the easterly line of said West 53rd Street;
- 3) Thence South 88° 42' 00" West, 3.80 feet;
- 4) Thence North 01° 18' 00" West, 10.00 feet;
- 5) Thence South 88° 42' 00" West, 56.20 feet to the westerly line of said West 53rd Street;
- 6) Thence North 01° 18' 00" West, 20.00 feet along the westerly line of said West 53rd Street to the Point of Beginning and containing 1,238 square feet (0.0284 acres.)

This description was prepared from record information and from a field survey completed in August 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.

West 45th Street Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 48, also being known as part of West 45th Street (60 feet wide) and further described as follows:

Ordinance No. 1444-18

Beginning at the intersection of the westerly line of said West 45th Street with the northerly Limited Access line of Interstate 90, being 236.48 feet Left of Station 878+65.73 as shown on Ohio Department of Transportation plans, CUY-90-11.64;

- 1) Thence North 88° 35' 53" East, 60.00 feet along said northerly Limited Access line to the easterly line of said West 45th Street;
- 2) Thence North 01° 16' 35" West, 17.80 feet along the easterly line of said West 45th Street;
- 3) Thence South 88° 59' 12" West, 60.00 feet to the westerly line of said West 45th Street;
- 4) Thence South 01° 16' 35" East, 18.21 feet along the westerly line of said West 45th Street to the Point of Beginning and containing 1,080 square feet (0.0248 acres).

This description was prepared from record information and from a field survey completed in August 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.

West 44th Street Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 53, also being known as part of West 44th Street (60 feet wide) and further described as follows:

Beginning at the intersection of the westerly line of said West 44th Street with the northerly Limited Access line of Interstate 90, being 201.28 feet Left of Station 881+76.97 as shown on Ohio Department of Transportation plans, CUY-90-13.33, also being the northeasterly corner of land described in deed to the State of Ohio, recorded in Volume 13167, Page 271;

- 1) Thence South 89° 30' 53" East, 60.03 feet to the easterly line of said West 44th Street;
- 2) Thence South 01° 18' 46" East, 21.19 feet;
- 3) Thence South 89° 10' 52" West, 60.00 feet to the westerly line of said West 44th Street;
- 4) Thence North 01° 18' 46" West, 22.56 feet to the Point of Beginning and containing 1,312 square feet (0.0301 acres).

This description was prepared from record information and from a field survey completed in August 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.

West 42nd Street Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 53, also being known as part of West 42nd Street (25 feet wide) and further described as follows:

Ordinance No. 1444-18

Commencing at the intersection of the westerly line of West 41st Street (60 feet wide) with the northerly Limited Access line of Interstate 90, being 286.39 feet Left of Station 889+63.20 as shown on Ohio Department of Transportation plans, CUY-90-13.33;

Thence South 89° 35' 21" West, 364.25 feet along said northerly Limited Access line to the southeasterly comer of West 42nd Street (25 feet wide) and the Point of Beginning;

- 1) Thence South 89° 35' 21" West, 25.00 feet along the southerly line of said West 42nd Street and said northerly Limited Access line to the southeasterly comer of West 42nd Street, vacated by Ordinance No. 1317-56;
- 2) Thence North 01° 16' 14" West, 9.34 feet along the easterly line of said vacated West 42nd Street;
- 3) Thence South 84° 32' 52" East, 25.17 feet to the easterly line of said West 42nd Street;
- 4) Thence South 01° 16' 14" East, 6.77 feet along the easterly line of said West 42nd Street to the Point of Beginning and containing 201 square feet (0.0046 acres).

This description was prepared from record information and from a field survey completed in August 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.

West 41st Street & Freas Avenue Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 53, also being known as part of West 41st Street (60 feet wide) and Freas Avenue (width varies) and further described as follows:

Commencing at the intersection of the westerly line of West 41st Street (60 feet wide) with the northerly Limited Access line of Interstate 90, being 286.39 feet Left of Station 889+63.20 as shown on Ohio Department of Transportation plans, CUY-90-13.33;
Thence South 01° 13' 00" East, 33.13 feet along the westerly line of said West 41st Street to the Point of Beginning;

- 1) Thence South 81° 33' 16" East, 51.13 feet to a proposed back of curb;
- 2) Thence North 01° 14' 31" West, 7.40 feet along a proposed back of curb to a point of curvature;
- 3) Thence 38.49 feet along the arc of a curve to the right, along a proposed back of curb, said arc having a radius of 24.50 feet, central angle 90° 00' 21", chord bearing North 43° 45' 29" East, 34.65 feet;
- 4) Thence North 88° 45' 29" East, 210.98 feet along a proposed back of curb;
- 5) Thence South 89° 38' 20" East, 56.89 feet to a proposed back of curb;
- 6) Thence South 88° 43' 28" East, 252.54 feet along a proposed back of curb;
- 7) Thence North 85° 34' 23" East, 46.10 feet to the easterly line of West 38th Street (40 feet wide);
- 8) Thence South 00° 10' 19" West, 19.92 feet along the easterly line of said West 38th Street;
- 9) Thence South 83° 41' 05" West, 40.26 feet to the westerly line of said West 38th Street;

Ordinance No. 1444-18

- 10) Thence North 00° 10' 19" East, 6.00 feet along the westerly line of said West 38th Street;
- 11) Thence North 88° 50' 08" West, 262.67 feet to the easterly line of West 40th Street (50 feet wide);
- 12) Thence South 00° 00' 26" West, 4.44 feet along the easterly line of said West 40th Street;
- 13) Thence North 89° 59' 35" West, 50.00 feet to the westerly line of said West 40th Street;
- 14) Thence North 00° 00' 26" East, 4.20 feet along the westerly line of said West 40th Street to the southerly line of said Freas Avenue;
- 15) Thence South 88° 46' 52" West, 228.21 feet along the southerly line of said Freas Avenue to the easterly line of said West 41st Street;
- 16) Thence South 01° 13' 00" East, 45.73 feet along the easterly line of said West 41st Street to a proposed back of curb and a point of curvature;
- 17) Thence 11.23 feet along the arc of a curve to the right, along a proposed back of curb, said arc having a radius of 24.50 feet, central angle 26° 15' 28", chord bearing North 40° 36' 49" West, 11.13 feet;
- 18) Thence North 81° 37' 37" West, 53.68 feet to the westerly line of said West 41st Street;
- 19) Thence North 01° 13' 00" West, 20.49 feet along the westerly line of said West 41st Street to the Point of Beginning, and containing 10,749 square feet (0.2486 acres).

This description was prepared from record information and from a field survey completed in August 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.

West 25th Street Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 69, also being known as part of West 25th Street (82.5 feet wide) and further described as follows:

Commencing at the intersection of the southwesterly line of said West 25th Street with the southeasterly line of Monroe Ave (66 feet wide); Thence South 31° 43' 10" East, 91.53 feet along the southwesterly line of said West 25th Street to the Point of Beginning;

- 1) Thence North 05° 31' 45" East, 136.30 feet to the northeasterly line of said West 25th Street;
- 2) Thence South 31° 43' 10" East, 58.18 feet along the southwesterly line of said West 25th Street to the most southerly corner of Parcel No. 13 described in deed to the Greater Cleveland Transit Authority, recorded in Volume 88-5651, Page 70;
- 3) Thence North 70° 26' 22" East, 75.26 feet along the southeasterly line of said Parcel No. 13 to the westerly line of Columbus Road (80 feet wide);
- 4) Thence South 00° 37' 21" East, 92.14 feet along the southerly extension of the westerly line of said Columbus Road;
- 5) Thence South 76° 44' 50" West, 27.40 feet to the southeasterly extension of the northeasterly line of said West 25th Street;
- 6) Thence North 31° 43' 10" West, 49.60 feet along the southeasterly extension of the

Ordinance No. 1444-18

northeasterly line of said West 25th Street;
7) Thence South 05° 22' 13" West, 146.36 feet to the southeasterly line of said West 25th Street;
8) Thence North 20° 55' 44" West, 30.80 feet along the southeasterly line of said West 25th Street;
9) Thence North 31° 43' 10" West, 72.64 feet along the southeasterly line of said West 25th Street to the Point of Beginning and containing 12,298 square feet (0.2823 acres).

This description was prepared by Jarrod R. Schnell, PS#8623, for Cleveland Metroparks based on a boundary survey by Louise A. Veverka for Greater Cleveland Regional boundary survey. References to recorded deeds are those of the Cuyahoga County Recorder's Office.

Freeman Avenue Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 69, also being known as part of Freeman Avenue (un-vacated, width varies), and further described as follows:

Commencing at the intersection of the southerly line of Abbey Avenue (66 feet wide) with the westerly line of Columbus Road (80 feet wide), also being the northeasterly corner of Parcel No. 13 described in deed to The Greater Cleveland Transit Authority, recorded in Volume 88-5651, Page 70; Thence South 00° 37' 21" East, 264.00 feet along the westerly line of said Columbus Road to the northerly line of said Freeman Avenue; Thence South 89° 27' 45" West, 8.58 feet along the northerly line of said Freeman Avenue to the northeasterly corner of vacated Freeman Avenue (width varies), vacated by Ordinance No. 72516, passed January 11, 1926; Thence South 60° 17' 43" West, 87.44 feet along the northwesterly line of said Freeman Avenue and the southeasterly line of said vacated Freeman Avenue to a point that is 85.00 feet by rectangular measurement from the westerly line of said Columbus Road, and the Point of Beginning;

- 1) Thence South 60° 17' 43" West, 47.98 feet along the northwesterly line of said Freeman Avenue and the southeasterly line of said vacated Freeman Avenue to the southerly line of said Freeman Avenue;
- 2) Thence North 89° 27' 45" East, 41.93 feet along the southerly line of said Freeman Avenue to a point that is 85.00 feet by rectangular measurement from the westerly line of said Columbus Road;
- 3) Thence North 00° 37' 21" West, 23.38 feet along a line parallel with and 85.00 feet westerly from the westerly line of said Columbus Road to the Point of Beginning and containing 490 square feet (0.0112 acres).

This description was prepared by Jarrod R. Schnell, PS#8623, for Cleveland Metroparks based on a boundary survey by Louise A. Veverka for Greater Cleveland Regional Transit Authority dated February 26, 2015. The bearings are based on said boundary survey. References to recorded deeds are those of the Cuyahoga County Recorder's Office.

Abbey Avenue Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 69, also being known as part of Abbey

Ordinance No. 1444-18

Avenue (66 feet wide), and further described as follows:

Commencing at the intersection of the southerly line of said Abbey Avenue with the westerly line of Columbus Road (80 feet wide), also being the northeasterly corner of Parcel No. 13 described in deed to The Greater Cleveland Transit Authority, recorded in Volume 88-5651, Page 70; Thence South 89° 27' 45" West, 85.00 feet along the southerly line of said Abbey Avenue to the Point of Beginning;

- 1) Thence South 89° 27' 45" West, 39.81 feet along the southerly line of said Abbey Avenue;
- 2) Thence North 02° 30' 00" West, 66.04 feet to the northerly line of said Abbey Avenue;
- 3) Thence North 89° 27' 45" East, 41.22 feet along the northerly line of said Abbey Avenue;
- 4) Thence South 01° 16' 42" East, 66.01 feet to the Point of Beginning and containing 2,674 square feet (0.0614 acres).

This description was prepared by Jarrod R. Schnell, PS#8623, for Cleveland Metroparks based on a boundary survey by Louise A. Veverka for Greater Cleveland Regional Transit Authority dated February 26, 2015. The bearings are based on said boundary survey. References to recorded deeds are those of the Cuyahoga County Recorder's Office.

Columbus Road & Lorain Avenue

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot Nos. 69 & 70, also being known as part of Columbus Road (80 feet wide) and Lorain Avenue (width varies), and further described as follows:

Beginning at the intersection of the westerly line of said Columbus Road with the northerly line of Abbey Avenue (66 feet wide), also being the southeasterly corner of Parcel No. 14 described in deed to The Greater Cleveland Transit Authority, recorded in Volume 88-5651, Page 70;

- 1) Thence North 00° 36' 33" West, 264.03 feet along the westerly line of said Columbus Road to the northeasterly corner of said Parcel No. 14;
- 2) Thence South 89° 27' 45" West, 6.75 feet along the southerly line of said Lorain Avenue;
- 3) Thence North 58° 34' 33" East, 16.50 feet;
- 4) Thence North 89° 27' 45" East, 4.35 feet to the existing back of curb;
- 5) Thence South 00° 31' 12" East, 12.23 feet along the existing back of curb to a point of curvature;
- 6) Thence 16.53 feet along the arc of a curve to the left, along the existing back of curb, said arc having a radius of 37.00 feet, central angle 25° 35' 34", chord bearing South 15° 20' 53" East, 16.39 feet;
- 7) Thence 18.24 feet along the arc of a curve to the right, along the existing back of curb, said arc having a radius of 37.00 feet, central angle 28° 15' 07", chord bearing South 10° 18' 44" East, 18.06 feet;
- 8) Thence South 00° 40' 05" East, 226.63 feet along the existing back of curb to the northerly line of said Abbey Avenue;

Ordinance No. 1444-18

- 9) Thence South 49° 37' 19" West, 5.30 feet;
- 10) Thence South 89° 27' 45" West, 4.30 feet;
- 11) Thence North 73° 08' 24" West, 11.36 feet to the Point of Beginning and containing 5,039 square feet (0.1157 acres).

This description was prepared by Jarrod R. Schnell, PS#8623, for Cleveland Metroparks based on a boundary survey by Louise A. Veverka for Greater Cleveland Regional Transit Authority dated February 26, 2015, and a topographic survey by Cleveland Metroparks. References to recorded deeds are those of the Cuyahoga County Recorder's Office.

Lorain Avenue Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 70, also being known as part of Lorain Avenue (width varies), and further described as follows:

Commencing at the intersection of the southerly line of said Lorain Avenue with the westerly line of Columbus Road (80 feet wide), also being the northeasterly corner of Parcel No. 14 described in deed to The Greater Cleveland Transit Authority, recorded in Volume 88-5651, Page 70; Thence South 89° 27' 45" West, 8.60 feet along the southerly line of said Lorain Avenue; Thence South 58° 34' 33" West, 98.70 feet along the southerly line of said Lorain Avenue to the Point of Beginning;

- 1) Thence South 58° 34' 33" West, 46.42 feet along the southerly line of said Lorain Avenue;
- 2) Thence North 02° 29' 57" West, 114.25 feet to the northerly line of said Lorain Avenue;
- 3) Thence North 58° 34' 33" East, 46.23 feet along the northerly line of said Lorain Avenue;
- 4) Thence South 02° 35' 09" East, 114.17 feet to the Point of Beginning and containing 4,633 square feet (0.1064 acres).

This description was prepared by Jarrod R. Schnell, PS#8623, for Cleveland Metroparks based on a boundary survey by Louise A. Veverka for Greater Cleveland Regional Transit Authority dated February 26, 2015. The bearings are based on said boundary survey. References to recorded deeds are those of the Cuyahoga County Recorder's Office.

Franklin Avenue and Columbus Road Encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 70, also being known as part of Franklin Avenue (60 feet wide) and Columbus Road (80 feet wide), and further described as follows:

Commencing at the intersection of the southerly line of said Franklin Avenue with the westerly line of said Columbus Road; Thence South 89° 24' 37" West, 137.16 feet along the southerly line of said Franklin Avenue to the Point of Beginning;

- 1) Thence South 89° 24' 37" West, 192.81 feet along the southerly line of said Franklin

Ordinance No. 1444-18

Avenue;

- 2) Thence North 00° 35' 23" West, 17.97 feet to a proposed back of curb;
- 3) Thence North 85° 35' 46" East, 7.98 feet along a proposed back of curb;
- 4) Thence North 89° 24' 37" East, 7.27 feet along a proposed back of curb;
- 5) Thence North 00° 35' 23" West, 41.50 feet to the northerly line of said Franklin Avenue;
- 6) Thence North 89° 24' 37" East, 314.75 feet along the northerly line of said Franklin Avenue to the westerly line of said Columbus Road;
- 7) Thence North 00° 34' 53" West, 18.48 feet along the westerly line of said Columbus Road;
- 8) Thence North 89° 23' 57" East, 63.32 feet;
- 9) Thence North 00° 34' 53" West, 42.96 feet to the existing back of curb;
- 10) Thence 8.29 feet along the arc of a curve to the right, along the existing back of curb, said arc having a radius of 21.87 feet, central angle 21° 43' 02", chord bearing North 13° 45' 45" West, 8.24 feet;
- 11) Thence North 00° 16' 57" West, 12.40 feet along the existing back of curb;
- 12) Thence North 89° 25' 45" East, 18.50 feet to the easterly line of said Columbus Road;
- 13) Thence South 00° 34' 53" East, 83.32 feet along the easterly line of said Columbus Road;
- 14) Thence South 89° 00' 23" West, 68.00 feet to a proposed back of curb;
- 15) Thence 10.86 feet along the arc of a curve to the right, along a proposed back of curb, said arc having a radius of 9.50 feet, central angle 65° 30' 38", chord bearing South 32° 11' 04" West, 10.28 feet;
- 16) Thence 24.38 feet along the arc of a curve to the right, along a proposed back of curb, said arc having a radius of 74.50 feet, central angle 18° 44' 56", chord bearing South 74° 19' 30" West, 24.27 feet;
- 17) Thence South 83° 41' 59" West, 26.31 feet along a proposed back of curb;
- 18) Thence South 86° 32' 52" West, 20.02 feet along a proposed back of curb;
- 19) Thence South 89° 24' 37" West, 231.57 feet along a proposed back of curb;
- 20) Thence South 00° 35' 23" East, 21.00 feet to a proposed back of curb;
- 21) Thence North 89° 24' 37" East, 26.96 feet along a proposed back of curb;
- 22) Thence South 45° 35' 23" East, 10.30 feet along a proposed back of curb;
- 23) Thence North 89° 24' 37" East, 123.33 feet along a proposed back of curb and along the existing back of curb;
- 24) Thence South 00° 35' 23" East, 11.21 feet to the Point of Beginning and containing 12,163 square feet (0.2792 acres).

This description was prepared by Jarrod R. Schnell, PS#8623, for Cleveland Metroparks based on a boundary survey by Louise A. Veverka for Greater Cleveland Regional Transit Authority dated February 26, 2015. The bearings are based on said boundary survey. References to recorded deeds are those of the Cuyahoga County Recorder's Office.

Legal Descriptions approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

Section 2. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the Director of Law

Ordinance No. 1444-18

determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, the prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 3. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications first approved by the Manager of the City's Division of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

Section 5. 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.

JBМ:nl
11-26-18

FOR: Director Spronz

Ord. No. 1444-18

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue a permit to the Board of Park Commissioners of the Cleveland Metropolitan Park District to encroach into the public right-of-way of various streets by installing, using and maintaining an asphalt all-purpose trail.

READ FIRST TIME on NOVEMBER 26, 2018
and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, 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

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