

# Ordinance No. 75-2019

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

## **AN EMERGENCY ORDINANCE**

Authorizing the acquisition and recording of certain easement interests from Cuyahoga Community College on East 30<sup>th</sup> Street for use of a public sidewalk for the purpose of a drop-off area for students, for the Office of Capital Projects.

WHEREAS, the Director of Capital Projects desires to accept certain easement interests from Cuyahoga Community College ("Tri-C") on East 30<sup>th</sup> Street between Community College Avenue and Woodland Avenue for the use of a public sidewalk as part of Tri-C's renovation of their Metropolitan Campus Center which includes construction of a new drop-off lane; 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 Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record certain easement rights from Tri-C for use of a public sidewalk on East 30<sup>th</sup> Street between Community College Avenue and Woodland Avenue in and to the premises more particularly described as follows:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, being a part of Original Ten Acre Lot No. 37, being a part of lands now or formerly conveyed to Cuyahoga Community College (PPN: 122-04-009) and being more particularly bounded and described as follows:

Commencing at a drill hole in a stone monument found at the intersection of the centerline of Community College Avenue (100 feet wide) and the westerly line of East 30<sup>th</sup> Street (90 feet wide); thence along said westerly line of East 30<sup>th</sup> Street, South 14°54'24" West, for a distance of 441.98 feet to a point thereon, said point also being the TRUE POINT of BEGINNING for the parcel of land hereinafter described;

Thence clockwise along the following four (4) courses and distances:

1. Thence continuing along said westerly line of East 30<sup>th</sup> Street, South 14°54'24" West, for a distance of 176.63 feet to a point thereon;
2. Thence leaving said westerly line of East 30<sup>th</sup> Street and across said PPN 122-04-009, North 23°54'55" West, for a distance of 22.61 feet to a point;
3. Thence continuing across said PPN 122-04-009, North 14°48'29" East, for a distance of 141.28 feet to a point;

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4. Thence continuing across said PPN 122-04-009, North 54°01'00" East. for a distance of 22.86 feet to the TRUE POINT of BEGINNING, containing 0.0522 acres (2,272 sq.ft.), more or less, and subject to all easements, restrictions and covenants of record as surveyed under the supervision of Steve Mullaney, P.S. 7900, for Glaus, Pyle Schomer Burns & DeHaven, Inc., dba GPD Group, in April of 2017.

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

Section 2. That the cost of the acquiring, accepting, and recording the easement rights shall be \$1.00 and other valuable consideration which is determined to be fair market value or the amount of the jury verdict in the event eminent domain is needed to acquire the easement interests in and to the premises. The purchase price, appraisal, title, escrow, and all other costs incurred in acquiring and recording the easement interests shall be paid from the fund or funds deemed appropriate by the Director of Finance.

Section 3. That the Director of Capital Projects is authorized to execute any documents on behalf of the City of Cleveland necessary to effect the purposes of this ordinance.

Section 4. 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.

RC:nl  
1-7-19

FOR: Director Spronz

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READ FIRST TIME on JANUARY 7, 2019  
and referred to DIRECTORS of Capital Projects,  
City Planning Commission, Finance, Law;  
COMMITTEES on Municipal Services and Properties, 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