

Ordinance No. 255-2019

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to execute a deed of easement granting to The Board of Park Commissioners of the Cleveland Metropolitan Park District certain easement rights in property located near West 53rd Street; 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 an all-purpose trail connecting the Red Line Greenway to the Zone Recreation Center trail.

WHEREAS, The Board of Park Commissioners of the Cleveland Metropolitan Park District ("Cleveland Metroparks") has received funding to construct and maintain an all-purpose trail called the Red Line Greenway which includes a connection to the Zone Recreation Center trail (the "Greenway Trail Connector") as well as four other trail projects in the City of Cleveland; and

WHEREAS, in order to construct the Greenway Trail Connector, it is necessary that the Cleveland Metroparks obtain a permanent, non-exclusive easement on property located near West 53rd Street; 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 the easement interest in the following described property is not needed for the City's public use:

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 part of land described in deed to the City of Cleveland, recorded in Volume 87-5861, Page 42, and further described as follows:

Commencing at the northeasterly corner of said City of Cleveland land, being at the intersection of the southerly line of Reimer Ave (40 feet wide) with the westerly line of West 53rd Street

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(60 feet wide); Thence South 01° 18' 00" East, 96.57 feet along the easterly line of said City of Cleveland land and the westerly line of said West 53rd Street to the Point of Beginning;

- 1) Thence South 01° 18' 00" East, 24.39 feet along the easterly line of said City of Cleveland land and the westerly line of said West 53rd Street to the southeasterly corner of said City of Cleveland land;
- 2) Thence South 73° 43' 50" West, 129.21 feet along the southerly line of said City of Cleveland land;
- 3) Thence North 50° 43' 34" West, 16.61 feet;
- 4) Thence North 28° 02' 26" West, 54.63 feet;
- 5) Thence North 31° 08' 26" East, 29.95 feet;
- 6) Thence South 44° 03' 13" East, 35.10 feet;
- 7) Thence South 27° 47' 35" East, 45.21 feet;
- 8) Thence South 81° 31' 33" East, 21.75 feet to an existing back of curb;
- 9) Thence North 76° 53' 41" East, 20.15 feet along an existing back of curb to a proposed edge of concrete sidewalk;
- 10) Thence North 13° 00' 44" West, 4.89 feet along a proposed edge of concrete sidewalk;
- 11) Thence North 03° 29' 16" East, 2.22 feet along a proposed edge of concrete sidewalk;
- 12) Thence North 52° 44' 56" East, 2.21 feet along a proposed edge of concrete sidewalk;
- 13) Thence North 77° 54' 19" East, 17.26 feet along a proposed edge of concrete sidewalk;
- 14) Thence North 34° 49' 54" East, 30.61 feet;
- 15) Thence North 83° 03' 39" East, 24.94 feet to the Point of Beginning and containing 4,039 square feet (0.0927 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.

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 interest 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 easement shall be non-exclusive and the purpose of the easement shall be to construct and maintain an all-purpose trail connecting the Red Line Greenway to the Zone Recreation Center 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

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insurance or self-insurance; maintain any Cleveland Metroparks improvements located within the easements; and pay any applicable taxes and assessments; and that the 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 an all purpose trail connecting the Red Line Greenway to the Zone Recreation Center trail.

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
2-25-19

FOR: Director Cox

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READ FIRST TIME on FEBRUARY 25, 2019
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

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