

Ordinance No. 516-2019

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

AN EMERGENCY ORDINANCE

Authorizing the acquisition and recording of certain easement interests from Uptown Three L.P. for use of a public sidewalk to be used as a drop-off area for students and residents, for the Office of Capital Projects.

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 Uptown Three L.P. for use of a public sidewalk to be used as a drop-off area for students and residents, in and to the premises more particularly described as follows:

SIDEWALK EASEMENT ON P.P.N. 120-23-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Parcel "A-1" in the Plat of Lot Split of Parcel "A" of part of Original 100 Acre Lot No. 395 as shown by the plat recorded in Volume 373, Page 55 of Cuyahoga County Map Records and further known as being part of Parcel "G" in the Lot Split and Consolidation of Parcels "A-1" and "A-2" as recorded in the A.F.N. 201903180407 of Cuyahoga County Map Records and bounded and described as follows:

Beginning at the intersection of the centerline of Euclid Avenue (State Route 20) (80 feet wide) and the centerline of East 115th Street (formerly Rosedale Avenue) (50 feet wide);

Thence North 31°07'22" West along the centerline of East 115th Street, 41.61 feet to a point;

Thence North 42°52'53" East to the intersection of the easterly right of way of East 115th Street and the northerly right of way of Euclid Avenue;

Thence North 31°07'22" West along the easterly right of way of East 115th Street, 26.06 feet to a point and the PRINCIPAL PLACE OF BEGINNING of the easement herein described;

Thence North 31°07'22" West, continuing along the easterly right of way of East 115th Street, 71.00 feet to a point;

Thence North 58°52'38" East, 0.88 feet to a point;

Thence South 47°07'22" East, 6.49 feet to a point;

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Thence South 31°07'22" East, 64.77 feet to a point;

Thence South 58°52'38" West 2.67 feet to the PRINCIPAL PLACE OF BEGINNING and containing 0.0042 acres (184 square feet) of land as described by Edward B. Dudley, P.S. No. 6747 of The Riverstone Company in January 2019 subject to all legal highways, restrictions, reservations and easements.

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.

SM:nl
4-22-19

FOR: Director Spronz

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READ FIRST TIME on APRIL 22, 2019

REPORTS

and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. 106

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
FINANCE

FILED WITH COMMITTEE