

Ordinance No. 698-2019**Council Member:** McCormack

An emergency ordinance authorizing the acquisition and recording of certain easement interests from the Cuyahoga County Department of Public Works that encroach into existing County public improvements on Vermont Avenue, West 25th Street, and Detroit Avenue, 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 Cuyahoga County Department of Public Works that encroach into existing County public improvements on Vermont Avenue, West 25th Street, and Detroit Avenue, for the Office of Capital Projects, in and to the premises more particularly described as follows:

**PARCEL 1-SH
LEGAL DESCRIPTION FOR A STANDARD HIGHWAY EASEMENT
ALONG WEST 25th STREET AND VERMONT AVENUE IN THE FOLLOWING
DESCRIBED PROPERTY WITHOUT LIMITATION OF EXISTING ACCESS
RIGHTS**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being part of Original Brooklyn Township Lot No. 70, bounded and described as follows:

Beginning at an Iron Pin Monument found at the intersection of West 25th Street, 60 feet wide, and Detroit Avenue, 66 feet wide.

Thence North 30°28'45" West, along the centerline of said West 25th Street, a distance of 142.71 feet to a point;

Thence North 59°31'15" East a distance of 30.00 feet to the northeasterly line of said West 25th Street and the Principal Place of Beginning of land herein described;

Thence North 30°28'45" West, along the northeasterly line of said West 25th Street, a distance of 87.83 feet to the southeasterly line of Vermont Ave., 33 feet wide;

Thence North 59°26'52" East, along the southeasterly line of said Vermont Ave., a distance of 229.00 feet to a point;

Thence South 30°28'45" East a distance of 6.20 feet;

Thence South 39°50'15" West a distance of 30.96 feet;

Thence South 59°51'30" West a distance of 157.83 feet to a point of curve;

Thence along a curve deflection to the left, an arc distance of 41.45 feet. Said curve having a delta of 94°59'54", a radius of 25.00 feet and a chord that bears South 12°21'33" West, 36.86 feet;

Thence South 35°08'24" East a distance of 38.34 feet;

Thence South 39°50'15" West a distance of 21.32 feet to the northeast line of said West 25th Street and the principal place of beginning and containing 4,880 square feet (0.1120 acres) of land, be the same more or less but subject to all legal highways;

Bearings are to an assumed meridian and are used to denote angles only.

**SH-2
LEGAL DESCRIPTION
FOR A STANDARD
HIGHWAY EASEMENT
ALONG WEST 25th STREET AND
DETROIT AVENUE**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being part of Original Brooklyn Township Lot No. 70, bounded and described as follows:

Beginning at an Iron Pin Monument found at the intersection of West 25th Street, 60 feet wide, and Detroit Avenue, 66 feet wide.

Thence North 59°41'52" East, along the centerline of said Detroit Avenue, a distance of 76.16 feet to a point;

Thence North 30°03'48" West a distance of 33.00 feet to the intersection of the northwesterly line of said Detroit Avenue and the northeasterly line of said West 25th Street and being the Principal Place of Beginning of land herein described;

Thence North 30°28'45" West, along the northeasterly line of said West 25th Street, a distance of 36.80 feet to a point of curvature;

Thence along a curve deflection to the left, an arc distance of 9.66 feet. Said curve having a delta of 18°27'26", a radius of 30.00 feet and a chord that bears North 68°42'36" East, 9.62 feet;

Thence North 59°28'53" East a distance of 251.10 feet to a

point;

Thence North 47°40'27" East a distance of 125.81 feet to a point;

Thence North 55°43'14" East a distance of 95.27 feet to a point;

Thence South 35°12'07" East a distance of 12.00 feet to a point;

Thence South 55°43'14" West a distance of 96.83 feet to a point;

Thence South 34°31'16" West a distance of 118.43 feet to a point;

Thence South 59°41'52" West a distance of 276.09 feet to the principal place of beginning and containing 13,818 square feet (0.3172 acres) of land, be the same more or less but subject to all legal highways;

Bearings are to an assumed meridian and are used to denote angles only.

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 affect 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.

Passed July 24, 2019.

Effective July 26, 2019.