

Ordinance No. 905-2020

By Council Members: Johnson and Kelley (by departmental request)

An emergency ordinance authorizing the Director of Public Works to execute two deeds of easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property located in the Village of Newburgh Heights, and declaring that the easement rights granted are not needed for the City's public use.

WHEREAS, the Northeast Ohio Regional Sewer District ("NEORS") has requested the Director of Public Works to convey certain easement rights in property located in the Village of Newburgh Heights; and

WHEREAS, NEORS requires two temporary easements to secure the right-of-way necessary to move forward with NEORS's Burke Brook Open Channel Improvements project at Raus Playfield in the Village of Newburgh Heights; 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 two temporary easements in the following described properties are not needed for the City's public use:

**Temporary Easement
Across PPN 511-15-010
0.1937 Acre**

Situated in the Village of Newburgh Heights, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 312. Also being part of the land conveyed to City of Cleveland as recorded in Volume 4801, Page 362 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the southerly right of way of Raus Avenue (45 feet wide) and the easterly right of way of East 50th Street (45 feet wide);

Thence, along the easterly prolongation of the southerly right of way of Raus Avenue, North 88° 44' 39" East, 85.73 feet to the westerly line of said land conveyed to City of Cleveland and the **True Point of Beginning** for the easement herein described;

Thence, along City of Cleveland's westerly line, North 01° 15' 21" West, 23.39 feet;

Thence, leaving said westerly line, South 89° 43' 53" East, 55.79 feet;

Thence, North 85° 09' 30" East, 64.58 feet;

Thence, North 88° 13' 09" East, 48.81 feet;

Thence, North 80° 07' 10" East, 39.28 feet;

Thence, South 63° 37' 44" East, 30.22 feet;

Thence, South 22° 52' 24" West, 19.91 feet;

Thence, South 76° 43' 50" West, 49.89 feet;

Thence, North 87° 36' 50" West, 56.18 feet;

Thence, South 80° 49' 49" West, 18.45 feet;

Thence, South 63° 47' 34" West, 18.20 feet;

Thence, South 86° 23' 02" West, 40.68 feet;

Thence, North 88° 17' 34" West, 46.27 feet to the westerly line of said land conveyed to City of Cleveland;

Thence, along City of Cleveland's westerly line, North 01° 15' 21" West, 16.22 feet to the point of beginning.

Containing within said bounds 0.1937 acre of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in February, 2019.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

**Temporary Easement
Across PPN 511-18-001
1.2380 Acres**

Situated in the Village of Newburgh Heights, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 312. Also being part of Parcel 1 of land conveyed to City of Cleveland as recorded in Volume 2188, Page 318 of the Cuyahoga County Records, being more definitely described as follows;

Beginning at the intersection of the southerly right of way of Raus Avenue (45 feet wide) and the easterly right of way of East 50th Street (45 feet wide);

Thence, along the northerly line of said Parcel 1 of land conveyed to City of Cleveland, North 88° 44' 39" East, 85.73 feet to the northeasterly corner thereof;

Thence, along the easterly line of said Parcel 1 of land conveyed to City of Cleveland, South 01° 15' 21" East, 16.22 feet;

Thence, leaving said easterly line, North 84° 25' 13" West, 23.27 feet;

Thence, South 72° 53' 17" West, 38.56 feet;

Thence, South 44° 37' 21" West, 69.05 feet;

Thence, South 52° 55' 37" West, 64.26 feet;

Thence, South 23° 18' 41" East, 20.14 feet;

Thence, South 54° 18' 27" West, 65.91 feet;

Thence, North 70° 32' 51" West, 36.63 feet;

Thence, South 58° 01' 46" West, 85.27 feet;

Thence, South 51° 02' 55" West, 62.29 feet;

Thence, South 15° 27' 00" West, 20.95 feet to the easterly limited access right of way of Interstate 77 (width varies);

Thence, along the easterly limited access right of way of Interstate 77, the following two courses;

North 19° 31' 31" West, 183.91 feet;

Thence, North 20° 28' 25" East, 85.83 feet to the southerly right of way of Raus Avenue;

Thence, along the southerly right of way of Raus Avenue, North 88° 44' 39" East, 311.71 feet to the point of beginning.

Containing within said bounds 1.2380 acres of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in February, 2019.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

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 interests to NEORSD subject to any conditions stated in this ordinance. The consideration to be paid for these properties shall not exceed the appraised value of \$8,592.00, and other valuable consideration, determined to be fair market value.

Section 3. That the temporary easements shall be exclusive, and the purpose of the easements shall be to secure the rights necessary to move forward with NEORSD's Burke Brook Open Channel Improvements project at Raus Playfield in the Village of Newburgh Heights.

Section 4. That the duration of the temporary easements shall be two years; that the easements shall not be assignable without the consent of the Director of Public Works; that the easements shall require that NEORSD provide reasonable insurance, maintain any NEORSD improvements located within the easements; pay any applicable taxes and assessments; and 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 conveyance 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 affect this ordinance.

Section 6. 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.

Referred to the Directors of Public Works; Finance; and Law; Committees on Municipal Services and Properties; and Finance.