

# Ordinance No. 978-2021

**By Council Members Hairston, Bishop, Brancatelli and Kelley (by departmental request)**

## AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to enter into one or more amendments to the Lakefront Parks Lease with the Board of Park Commissioners for the Cleveland Metropolitan Park District to modify the boundaries of certain properties in the leased premises.

WHEREAS, City and Metroparks wish to amend the Lakefront Parks Lease to allow Metroparks to improve management and operations of the Lakefront Park and to allow for additional lakefront development; 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 the Director of Public Works is authorized to enter into one or more amendments to the Lakefront Parks Lease (the “Lease”) with the Board of Park Commissioners for the Cleveland Metropolitan Park District (“Metroparks”), as authorized by Ordinance No. 504-13, passed April 22, 2013, to modify the boundaries of the East 55<sup>th</sup> Street Marina Property which are part of the leased premises to remove approximately 3 acres from the East 55<sup>th</sup> Street Marina leased property, including vacated East 55<sup>th</sup> Street right-of-way and adjacent property (portion of Permanent Parcel No. 105-02-002A), to allow for future park improvements and use by the adjacent property owner, subject to separate legislation. This leased property change is depicted on the map marked as “Exhibit A-1.1.” and placed in **File No. 978-2021-A** and the new park boundaries for the East 55<sup>th</sup> Street Marina leased property is more fully described as follows:

### **East 55<sup>th</sup> Street Marina**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Lake Erie northerly of Original 10 Acre Lot No. 166 and Original 100 Acre Lot No. 346, described as follows:

Commencing at a 5/8” iron pin with cap inscribed “KS ASSOCS INC PROP MARKER” found at the intersection of the easterly line of East 55<sup>th</sup> Street (100 feet wide) with the southerly line of South Marginal Road; thence N 00° 52’ 14” W, 258.72 feet along said easterly line of East 55<sup>th</sup> Street; thence N 37° 36’ 54” W, 323.29 feet to the Point of Beginning;

Thence N 37° 36’ 54” W, 64.28 feet to the southeasterly line of Submerged Lands Lease file SUB-2369-CU;

Thence N 38° 27’ 20” E, 161.48 feet along the southeasterly line of said Submerged Lands Lease file SUB-2369-CU;

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Thence N 36° 03' 14" W, 33.59 feet along the southeasterly line of said Submerged Lands Lease file SUB-2369-CU;

Thence N 45° 23' 07" E, 45.02 feet along the easterly line of said Submerged Lands Lease file SUB-2369-CU;

Thence N 08° 31' 59" E, 38.10 feet along the easterly line of said Submerged Lands Lease file SUB-2369-CU;

Thence N 22° 38' 36" W, 11.78 feet along the easterly line of said Submerged Lands Lease file SUB-2369-CU;

Thence N 53° 12' 16" W, 57.58 feet along the easterly line of said Submerged Lands Lease file SUB-2369-CU;

Thence N 71° 49' 41" W, 553.52 feet;

Thence N 04° 35' 28" W, 585.00 feet;

Thence N 54° 31' 46" E, 1960.00 feet;

Thence S 37° 30' 52" E, 790.00 feet;

Thence S 02° 26' 48" E, 98.68 feet;

Thence S 37° 45' 41" E, 65.00 feet;

Thence S 40° 45' 55" W, 100.00 feet;

Thence S 37° 27' 59" W, 90.00 feet;

Thence S 45° 46' 33" W, 107.00 feet;

Thence S 50° 08' 51" W, 250.00 feet;

Thence S 47° 51' 56" W, 105.00 feet;

Thence S 53° 06' 58" W, 349.00 feet;

Thence N 38° 04' 08" W, 77.00 feet;

Thence S 52° 25' 06" W, 538.00 feet to a point of curvature;

Thence southwesterly, 470.80 feet along the arc of a curve deflecting to the left, said curve having a radius of 642.00 feet, central angle of 42° 01' 00", a chord bearing S 31° 24' 36" W, 460.32 feet;

Thence S 26° 41' 46" W, 47.00 feet;

Thence S 53° 31' 17" W, 120.12 feet to the point of beginning and containing 48.9704 acres, but subject to all legal highways, easements, restrictions, and covenants. This legal description has been prepared by Gary J. Tata, P.S. #7723 for Cleveland Metroparks from a survey dated revised November 3, 2003 by L.V. SURVEYING, INC. and a June 2013 survey by Cleveland Metroparks.

The bearings are based on Ohio State Plane, North Zone NAD 83 (1995) Grid North, from said L.V. SURVEYING, INC. survey.

Section 2. That the Director of Public Works is authorized to enter into one or more amendments to the Lease with Metroparks to modify the boundaries of the Edgewater Park Property which are part of the leased premises to add approximately

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16.1 acres to the existing Edgewater Park leased property, consisting of (1) certain property previously occupied by the West Shoreway prior to its reconfiguration by ODOT (Portions of Permanent Parcel No. 001-35-001); and (2) the former U.S. Coast Guard station property on Whiskey Island at the mouth of the Cuyahoga River (Permanent Parcel No. 003-05-019), which shall be improved by Metroparks and remain opened to the public as a park amenity. This leased property change is depicted on the map marked as "Exhibit A-2.1" and placed in the above-mentioned file and the new park boundaries for the Edgewater Park leased property are more fully described as follows:

## **Edgewater Park Land Parcel 1**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, being known as part of Original Brooklyn Township Lot Nos. 10, 11, 30, 31 & 50 and submerged land lakeward of said Original Brooklyn Township, and further described as follows:

Commencing at a stone with drillhole found in monument box at the intersection of the centerline of Lake Avenue (100 feet wide) with the centerline of West Boulevard (width varies), referenced by a 1" iron pin found in monument box at the intersection of the centerline of said Lake Avenue with the centerline of Clifton Boulevard (120 feet wide), South 76° 57' 09" East, 1568.55 feet; Thence North 24° 49' 07" East, 103.93 feet to the Point of Beginning;

- 1) Thence North 12° 47' 29" East, 329.78 feet;
- 2) Thence North 04° 26' 55" East, 111.62 feet to a point of curvature;
- 3) Thence 253.25 feet along the arc of a curve to the left, said arc having a radius of 610.00 feet, central angle 23° 47' 15", chord bearing North 08° 24' 29" West, 251.44 feet;
- 4) Thence 237.05 feet along the arc of a curve to the left, said arc having a radius of 270.00 feet, central angle 50° 18' 13", chord bearing North 45° 33' 27" West, 229.51 feet;
- 5) Thence North 70° 45' 13" West, 214.78 feet to a point of curvature;
- 6) Thence 148.93 feet along the arc of a curve to the left, said arc having a radius of 1130.00 feet, central angle 07° 33' 05", chord bearing North 74° 25' 56" West, 148.82 feet;
- 7) Thence 137.64 feet along the arc of a curve to the left, said arc having a radius of 205.40 feet, central angle 38° 23' 40", chord bearing South 79° 33' 23" West, 135.08 feet;
- 8) Thence 101.40 feet along the arc of a curve to the left, said arc having a radius of 205.40 feet, central angle 28° 17' 03", chord bearing South 46° 13' 03" West, 100.37 feet;
- 9) Thence South 32° 04' 32" West, 0.24 feet to a point of curvature;
- 10) Thence 41.56 feet along the arc of a curve to the left, said arc having a radius of 655.49 feet, central angle 03° 37' 57", chord bearing South 30° 25' 14" West, 41.55 feet;
- 11) Thence 37.19 feet along the arc of a curve to the right, said arc having a radius of 15.00 feet, central angle 142° 03' 08", chord bearing North 82° 35' 05" West, 28.37 feet;
- 12) Thence 168.08 feet along the arc of a curve to the left, said arc having a radius of 318.00 feet, central angle 30° 17' 02", chord bearing North 28° 20' 17" West, 166.13 feet;
- 13) Thence 165.76 feet along the arc of a curve to the left, said arc having a radius of 320.00 feet, central angle 29° 40' 43", chord bearing North 58° 19' 10" West, 163.91 feet;
- 14) Thence 156.23 feet along the arc of a curve to the right, said arc having a radius of 7150.00 feet, central angle 01° 15' 07", chord bearing North 74° 49' 48" West, 156.23 feet;
- 15) Thence North 12° 58' 30" East, 289.43 feet;
- 16) Thence North 90° 00' 00" East, 715.21 feet;
- 17) Thence South 67° 17' 47" East, 606.13 feet;
- 18) Thence South 62° 00' 03" East, 633.32 feet;
- 19) Thence North 64° 48' 37" East, 2871.69 feet;
- 20) Thence North 63° 37' 31" East, 487.61 feet;
- 21) Thence North 18° 08' 55" West, 196.80 feet;
- 22) Thence North 68° 46' 20" East, 372.43 feet;

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- 23) Thence South 22° 26' 15" East, 173.43 feet;
- 24) Thence North 64° 04' 48" East, 1125.17 feet;
- 25) Thence North 48° 54' 42" East, 1136.42 feet;
- 26) Thence South 40° 19' 54" East, 332.61 feet;
- 27) Thence South 65° 27' 11" East, 153.71 feet;
- 28) Thence North 89° 18' 26" East, 310.24 feet to a point in the northerly extension of the easterly line of said Original Brooklyn Township Lot No. 31;
- 29) Thence South 00° 33' 04" East, 1277.40 feet along the easterly line of said Original Brooklyn Township Lot No. 31 and its northerly extension;
- 30) Thence South 67° 55' 03" East, 13.71 feet to the northwesterly corner of Whiskey Island Drive (25 feet wide), as shown on the plat recorded in Volume 240 of Maps, Page 92;
- 31) Thence South 00° 31' 34" East, 29.13 feet along the westerly line of said Whiskey Island Drive to the southwesterly corner thereof, also being the northwesterly corner of land described in Exhibit "A-2" of the easement to the Board of Park Commissioners of the Cleveland Metropolitan Park District, recorded in AFN 201904050306;
- 32) Thence South 00° 31' 34" East, 33.08 feet along the westerly line of said Exhibit "A-2" land to the southwesterly corner thereof;
- 33) Thence North 88° 00' 24" West, 6.91 feet to a point of curvature;
- 34) Thence 569.42 feet along the arc of a curve to the left, said arc having a radius of 960.26 feet, central angle 33° 58' 31", chord bearing North 84° 13' 26" West, 561.11 feet;
- 35) Thence South 81° 29' 18" West, 55.39 feet to a point of curvature;
- 36) Thence 328.27 feet along the arc of a curve to the left, said arc having a radius of 1034.75 feet, central angle 18° 10' 38", chord bearing South 68° 24' 17" West, 326.90 feet;
- 37) Thence South 59° 19' 52" West, 56.84 feet to a point of curvature;
- 38) Thence 188.35 feet along the arc of a curve to the right, said arc having a radius of 1199.27 feet, central angle 08° 59' 55", chord bearing South 63° 42' 38" West, 188.16 feet;
- 39) Thence South 68° 07' 59" West, 329.18 feet to a point of curvature;
- 40) Thence 84.34 feet along the arc of a curve to the left, said arc having a radius of 443.67 feet, central angle 10° 53' 29", chord bearing South 64° 51' 35" West, 84.21 feet;
- 41) Thence South 59° 28' 46" West, 48.86 feet to a point of curvature;
- 42) Thence 60.37 feet along the arc of a curve to the right, said arc having a radius of 50.21 feet, central angle 68° 53' 29", chord bearing North 86° 06' 36" West, 56.80 feet;
- 43) Thence South 35° 38' 01" East, 59.28 feet;
- 44) Thence North 58° 48' 35" East, 67.76 feet to a point of curvature;
- 45) Thence 96.82 feet along the arc of a curve to the right, said arc having a radius of 546.42 feet, central angle 10° 09' 07", chord bearing North 63° 27' 54" East, 96.69 feet;
- 46) Thence North 68° 17' 38" East, 318.21 feet;
- 47) Thence South 27° 51' 41" East, 10.21 feet;
- 48) Thence South 58° 05' 57" West, 176.58 feet;
- 49) Thence South 60° 13' 43" West, 119.77 feet;
- 50) Thence South 58° 09' 34" West, 103.72 feet;
- 51) Thence South 57° 44' 06" West, 307.87 feet;
- 52) Thence South 54° 31' 57" West, 85.45 feet;
- 53) Thence South 57° 30' 58" West, 161.39 feet;
- 54) Thence North 28° 41' 50" West, 10.45 feet to a point of curvature;
- 55) Thence 207.73 feet along the arc of a curve to the left, said arc having a radius of 2146.85 feet, central angle 05° 32' 38", chord bearing North 44° 57' 11" East, 207.65 feet;
- 56) Thence 145.33 feet along the arc of a curve to the right, said arc having a radius of 501.86 feet, central angle 16° 35' 30", chord bearing North 49° 41' 31" East, 144.82 feet;
- 57) Thence North 57° 57' 55" East, 63.91 feet;
- 58) Thence North 39° 05' 02" West, 43.15 feet to a point of curvature;
- 59) Thence 64.14 feet along the arc of a curve to the right, said arc having a radius of 60.74 feet, central angle 60° 30' 06", chord bearing South 49° 41' 47" West, 61.20 feet;
- 60) Thence 138.84 feet along the arc of a curve to the left, said arc having a radius of 270.61 feet, central angle 29° 23' 45", chord bearing South 48° 06' 36" West, 137.32 feet;
- 61) Thence South 43° 42' 04" West, 116.26 feet to a point of curvature;
- 62) Thence 267.81 feet along the arc of a curve to the right, said arc having a radius of 1163.58 feet, central angle 13° 11' 14", chord bearing South 49° 49' 11" West, 267.22 feet;
- 63) Thence South 56° 14' 23" West, 656.96 feet;
- 64) Thence South 54° 03' 34" West, 48.43 feet;
- 65) Thence South 57° 46' 22" West, 476.30 feet to a point of curvature;
- 66) Thence 628.07 feet along the arc of a curve to the right, said arc having a radius of 2687.40 feet, central angle 13° 23' 26", chord bearing South 64° 20' 44" West, 626.64 feet;

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- 67) Thence South 70° 58' 09" West, 790.75 feet;
- 68) Thence South 74° 51' 06" West, 73.39 feet;
- 69) Thence South 72° 10' 04" West, 320.93 feet;
- 70) Thence South 67° 55' 54" West, 197.93 feet to a point of curvature;
- 71) Thence 653.76 feet along the arc of a curve to the right, said arc having a radius of 908.73 feet, central angle 41° 13' 11", chord bearing South 88° 09' 58" West, 639.75 feet;
- 72) Thence 112.73 feet along the arc of a curve to the right, said arc having a radius of 1118.29 feet, central angle 05° 46' 32", chord bearing North 68° 17' 18" West, 112.68 feet;
- 73) Thence North 65° 29' 50" West, 145.31 feet;
- 74) Thence North 64° 36' 02" West, 267.08 feet to a point of curvature;
- 75) Thence 533.56 feet along the arc of a curve to the left, said arc having a radius of 572.89 feet, central angle 53° 21' 43", chord bearing South 88° 44' 50" West, 514.48 feet;
- 76) Thence South 62° 06' 17" West, 145.33 feet to a point of curvature;
- 77) Thence 48.79 feet along the arc of a curve to the right, said arc having a radius of 21.32 feet, central angle 131° 07' 30", chord bearing North 52° 37' 13" West, 38.82 feet to the Point of Beginning and containing 227.2652 acres.

This description was prepared from record information and from a field survey completed in October 2019 by Jarrod R. Schnell, PS#8623, for Cleveland Metroparks and a legal description prepared by KS Associates, Inc. for Edgewater Park Parcel 1, dated May 17, 2013. 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.

## Edgewater Park Land Parcel 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, being known as part of Original Brooklyn Township Lot No. 11, and further described as follows:

Commencing at a 1" iron pin found in monument box at the intersection of the centerline of Lake Avenue (100 feet wide) with the centerline of Clifton Boulevard (120 feet wide), referenced by a stone with drillhole found in monument box at the intersection of the centerline of said Lake Avenue with the centerline of West Boulevard (width varies), North 76° 57' 09" West, 1568.55 feet; Thence North 76° 57' 09" West, 25.37 feet along the centerline of said Lake Avenue; Thence North 13° 02' 51" East, 50.00 feet to the northeasterly line of said Lake Avenue and the Point of Beginning;

- 1) Thence North 76° 57' 09" West, 1440.72 feet along the northeasterly line of said Lake Avenue;
- 2) Thence North 39° 18' 02" East, 7.39 feet to a point of curvature;
- 3) Thence 602.26 feet along the arc of a curve to the right, said arc having a radius of 568.05 feet, central angle 60° 44' 48", chord bearing North 87° 44' 05" East, 574.45 feet;
- 4) Thence South 61° 53' 31" East, 247.28 feet to a point of curvature;
- 5) Thence 669.23 feet along the arc of a curve to the left, said arc having a radius of 1458.06 feet, central angle 26° 17' 53", chord bearing South 75° 52' 02" East, 663.37 feet;
- 6) Thence South 89° 20' 02" East, 56.19 feet;
- 7) Thence North 01° 03' 19" East, 26.44 feet;
- 8) Thence North 88° 23' 38" West, 90.91 feet to a point of curvature;
- 9) Thence 671.72 feet along the arc of a curve to the right, said arc having a radius of 1438.26 feet, central angle 26° 45' 34", chord bearing North 74° 19' 24" West, 665.64 feet;
- 10) Thence North 60° 56' 37" West, 202.59 feet to a point of curvature;
- 11) Thence 494.51 feet along the arc of a curve to the left, said arc having a radius of 588.57 feet, central angle 48° 08' 20", chord bearing North 86° 10' 31" West, 480.09 feet to a point of cusp of a curve concave to the southeast and having a radius of 548.00 feet;
- 12) Thence 500.83 feet along the arc of a curve to the right, said arc having a radius of 548.00 feet, central angle 52° 21' 50", chord bearing North 88° 39' 26" East, 483.58 feet;
- 13) Thence South 65° 09' 40" East, 456.73 feet to a point of curvature;
- 14) Thence 710.49 feet along the arc of a curve to the left, said arc having a radius of 954.53 feet, central angle 42° 38' 50", chord bearing South 88° 25' 41" East, 694.20 feet;
- 15) Thence South 39° 31' 26" East, 9.48 feet;
- 16) Thence South 56° 42' 39" West, 137.04 feet;
- 17) Thence South 54° 34' 29" West, 113.33 feet;
- 18) Thence South 55° 34' 53" West, 116.81 feet to the Point of Beginning and containing 5.1045 acres.

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This description was prepared from record information and from a field survey completed in October 2019 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.

## Edgewater Park Land Parcel 3

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, being known as part of Original Brooklyn Township Lot Nos. 11, 30 & 31, and further described as follows:

Commencing at a 1" iron pin found in monument box at the intersection of the centerline of Lake Avenue (100 feet wide) with the centerline of Clifton Boulevard (120 feet wide), referenced by a stone with drillhole found in monument box at the intersection of the centerline of said Lake Avenue with the centerline of West Boulevard (width varies), North 76° 57' 09" West, 1568.55 feet; Thence South 76° 57' 09" East, 152.63 feet along the centerline of said Lake Avenue; Thence North 13° 02' 51" East, 50.00 feet to the northeasterly line of said Lake Avenue and the Point of Beginning;

- 1) Thence 66.85 feet along the arc of a curve to the right, said arc having a radius of 51.64 feet, central angle 74° 10' 23", chord bearing North 18° 30' 04" East, 62.28 feet;
- 2) Thence North 56° 03' 04" East, 196.48 feet to a point of curvature;
- 3) Thence 278.74 feet along the arc of a curve to the right, said arc having a radius of 1069.46 feet, central angle 14° 56' 00", chord bearing North 63° 31' 05" East, 277.95 feet;
- 4) Thence North 70° 59' 05" East, 341.34 feet;
- 5) Thence South 18° 22' 49" East, 10.58 feet to a point of curvature;
- 6) Thence 169.18 feet along the arc of a curve to the left, said arc having a radius of 1835.72 feet, central angle 05° 16' 49", chord bearing South 59° 31' 42" West, 169.12 feet;
- 7) Thence South 56° 53' 17" West, 120.60 feet to a point of curvature;
- 8) Thence 362.73 feet along the arc of a curve to the right, said arc having a radius of 734.12 feet, central angle 28° 18' 35", chord bearing South 73° 05' 09" West, 359.05 feet;
- 9) Thence South 01° 00' 36" West, 25.88 feet to a point of curvature;
- 10) Thence 378.98 feet along the arc of a curve to the left, said arc having a radius of 770.34 feet, central angle 28° 11' 15", chord bearing North 73° 20' 28" East, 375.17 feet;
- 11) Thence North 57° 13' 47" East, 163.56 feet to a point of curvature;
- 12) Thence 295.40 feet along the arc of a curve to the right, said arc having a radius of 1390.47 feet, central angle 12° 10' 19", chord bearing North 63° 18' 56" East, 294.84 feet;
- 13) Thence North 69° 24' 06" East, 268.10 feet;
- 14) Thence North 69° 07' 46" East, 369.42 feet;
- 15) Thence North 65° 21' 50" East, 48.77 feet;
- 16) Thence North 69° 23' 24" East, 134.12 feet to a point of curvature;
- 17) Thence 266.50 feet along the arc of a curve to the left, said arc having a radius of 2526.89 feet, central angle 06° 02' 34", chord bearing North 63° 37' 41" East, 266.38 feet;
- 18) Thence North 65° 17' 40" East, 48.33 feet;
- 19) Thence North 58° 01' 28" East, 139.00 feet;
- 20) Thence North 58° 18' 12" East, 237.58 feet;
- 21) Thence North 59° 25' 04" East, 340.22 feet to a point of curvature;
- 22) Thence 182.95 feet along the arc of a curve to the right, said arc having a radius of 930.15 feet, central angle 11° 16' 11", chord bearing North 65° 03' 10" East, 182.66 feet;
- 23) Thence North 70° 41' 15" East, 294.21 feet to a point of curvature;
- 24) Thence 53.86 feet along the arc of a curve to the right, said arc having a radius of 36.10 feet, central angle 85° 28' 47", chord bearing South 65° 31' 49" East, 49.00 feet;
- 25) Thence South 20° 18' 22" East, 32.39 feet to the northerly line of Norfolk Southern Railway Company land;
- 26) Thence South 63° 00' 15" West, 2977.35 feet along the northerly line of said Norfolk Southern Railway Company land;
- 27) Thence North 00° 44' 45" West, 36.79 feet along the northerly line of said Norfolk Southern Railway Company land;
- 28) Thence South 63° 00' 15" West, 232.56 feet along the northerly line of said Norfolk Southern Railway Company land to the northeasterly line of said Lake Avenue
- 29) Thence North 76° 57' 09" West, 233.25 feet along the northeasterly line of said Lake Avenue to the Point of Beginning and containing 9.4381 acres.

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This description was prepared from record information and from a field survey completed in October 2019 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.

## Edgewater Park Land Parcel 4

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, being known as part of Original Brooklyn Township Lot Nos. 30 & 31, and submerged land lakeward of said Original Brooklyn Township, and further described as follows:

Commencing at a 1" iron pin found in monument box at the intersection of the centerline of Lake Avenue (100 feet wide) with the centerline of Clifton Boulevard (120 feet wide), referenced by a stone with drillhole found in monument box at the intersection of the centerline of said Lake Avenue with the centerline of West Boulevard (width varies), North 76° 57' 09" West, 1568.55 feet; Thence South 76° 57' 09" East, 152.63 feet along the centerline of said Lake Avenue; Thence North 13° 02' 51" East, 50.00 feet to the northeasterly line of said Lake Avenue; Thence South 76° 57' 09" East, 233.25 feet along the northeasterly line of said Lake Avenue to the northerly line of Norfolk Southern Railway Company land; Thence along the northerly line of said Norfolk Southern Railway Company land the following three courses: North 63° 00' 15" East, 232.56 feet; South 00° 44' 45" East, 36.79 feet; North 63° 00' 15" East, 2977.35 feet; Thence, leaving the northerly line of said Norfolk Southern Railway Company land, North 24° 23' 30" West, 93.39 feet to the Point of Beginning;

- 1) Thence South 70° 47' 07" West, 320.13 feet;
- 2) Thence North 25° 26' 58" West, 10.66 feet;
- 3) Thence North 57° 51' 06" East, 677.39 feet;
- 4) Thence North 60° 01' 51" East, 103.07 feet;
- 5) Thence North 58° 20' 33" East, 123.32 feet;
- 6) Thence North 57° 11' 09" East, 185.70 feet;
- 7) Thence North 57° 57' 00" East, 79.56 feet;
- 8) Thence North 55° 35' 15" East, 167.77 feet;
- 9) Thence North 58° 03' 17" East, 56.00 feet;
- 10) Thence North 57° 41' 40" East, 212.48 feet;
- 11) Thence South 37° 20' 12" East, 11.93 feet to a point of curvature;
- 12) Thence 78.06 feet along the arc of a curve to the left, said arc having a radius of 489.11 feet, central angle 09° 08' 40", chord bearing South 46° 04' 11" West, 77.98 feet;
- 13) Thence South 41° 29' 51" West, 65.23 feet;
- 14) Thence South 43° 11' 08" West, 70.21 feet;
- 15) Thence South 42° 05' 10" West, 100.43 feet to a point of curvature;
- 16) Thence 144.29 feet along the arc of a curve to the right, said arc having a radius of 510.17 feet, central angle 16° 12' 17", chord bearing South 50° 55' 02" West, 143.81 feet;
- 17) Thence South 59° 35' 19" West, 50.51 feet to a point of curvature;
- 18) Thence 74.70 feet along the arc of a curve to the right, said arc having a radius of 173.46 feet, central angle 24° 40' 22", chord bearing South 72° 13' 45" West, 74.12 feet;
- 19) Thence South 61° 13' 24" West, 75.90 feet to a point of curvature;
- 20) Thence 60.28 feet along the arc of a curve to the right, said arc having a radius of 212.25 feet, central angle 16° 16' 23", chord bearing South 51° 17' 09" West, 60.08 feet;
- 21) Thence South 59° 25' 18" West, 141.30 feet to a point of curvature;
- 22) Thence 128.65 feet along the arc of a curve to the right, said arc having a radius of 499.77 feet, central angle 14° 44' 50", chord bearing South 67° 10' 31" West, 128.28 feet;
- 23) Thence South 74° 32' 57" West, 120.91 feet to a point of curvature;
- 24) Thence 186.55 feet along the arc of a curve to the left, said arc having a radius of 173.18 feet, central angle 61° 43' 08", chord bearing South 43° 27' 11" West, 177.66 feet;
- 25) Thence 38.83 feet along the arc of a curve to the right, said arc having a radius of 38.02 feet, central angle 58° 30' 33", chord bearing South 41° 31' 49" West, 37.16 feet to the Point of Beginning and containing 2.3094 acres.

This description was prepared from record information and from a field survey completed in October 2019 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.

# Ordinance No. 978-2021

## Edgewater Park Land Parcel 5

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, being known as part of Original Brooklyn Township Lot No 31, and submerged land lakeward of said Original Brooklyn Township, and further described as follows:

Commencing at a 1" iron pin found in monument box at the intersection of the centerline of Lake Avenue (100 feet wide) with the centerline of Clifton Boulevard (120 feet wide), referenced by a stone with drillhole found in monument box at the intersection of the centerline of said Lake Avenue with the centerline of West Boulevard (width varies), North 76° 57' 09" West, 1568.55 feet; Thence South 76° 57' 09" East, 152.63 feet along the centerline of said Lake Avenue; Thence North 13° 02' 51" East, 50.00 feet to the northeasterly line of said Lake Avenue; Thence South 76° 57' 09" East, 233.25 feet along the northeasterly line of said Lake Avenue to the northerly line of Norfolk Southern Railway Company land; Thence along the northerly line of said Norfolk Southern Railway Company land the following three courses: North 63° 00' 15" East, 232.56 feet; South 00° 44' 45" East, 36.79 feet; North 63° 00' 15" East, 3014.54 feet to a point of curvature and the Point of Beginning;

- 1) Thence 137.06 feet along the arc of a curve to the right, said arc having a radius of 142.34 feet, central angle 55° 10' 20", chord bearing North 05° 06' 10" East, 131.83 feet;
- 2) Thence 90.50 feet along the arc of a curve to the right, said arc having a radius of 137.44 feet, central angle 37° 43' 33", chord bearing North 52° 47' 36" East, 88.87 feet;
- 3) Thence North 73° 01' 42" East, 129.43 feet to a point of curvature;
- 4) Thence 134.94 feet along the arc of a curve to the left, said arc having a radius of 592.08 feet, central angle 13° 03' 30", chord bearing North 66° 29' 58" East, 134.65 feet;
- 5) Thence North 59° 41' 35" East, 246.22 feet;
- 6) Thence North 60° 32' 43" East, 171.26 feet to a point of curvature;
- 7) Thence 191.28 feet along the arc of a curve to the left, said arc having a radius of 685.28 feet, central angle 15° 59' 34", chord bearing North 47° 32' 15" East, 190.66 feet;
- 8) Thence North 41° 04' 21" East, 169.01 feet;
- 9) Thence North 45° 54' 13" East, 111.71 feet;
- 10) Thence North 52° 23' 20" East, 80.22 feet to a point of curvature;
- 11) Thence 768.21 feet along the arc of a curve to the right, said arc having a radius of 907.86 feet, central angle 48° 28' 58", chord bearing North 76° 37' 49" East, 745.50 feet;
- 12) Thence 147.17 feet along the arc of a curve to the right, said arc having a radius of 923.86 feet, central angle 09° 07' 37", chord bearing South 71° 50' 22" East, 147.01 feet, to the northerly line of said Norfolk Southern Railway Company land;
- 13) Thence South 63° 00' 15" West, 2190.62 feet along the northerly line of said Norfolk Southern Railway Company land to the Point of Beginning and containing 8.7102 acres.

This description was prepared from record information and from a field survey completed in October 2019 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.

## Former U.S. Coast Guard Station

Situated in the State of Ohio and known as being part of Lake Erie and a fill portion thereof.

Said area lies Northerly of Original Brooklyn Township Lot No. 51 and is further bounded and described as follows:

Beginning at the intersection of the Northeasterly line of Riverbed Street N.W. (80 feet wide) in the City of Cleveland with the dock line of the ship channel as described in Section 1.0342 (12) of the Political Code of the Charter of the City of Cleveland, Ohio. Thence North 09°-48'-05" East, along the established dock line, 26.47 feet to an angle point therein. Thence North 08°-55'-05" West, continuing along the established dock line, 106.00 feet to an angle point therein. Thence North 29°-01'-40" West, continuing along the established dock line, 1623.42 feet to the present harbor line as established by the United States Government. Thence South 55°-08'-40" West, along the present harbor line, 19.54 feet to the Southwesterly side of a concrete pier. Said point being the principal place of beginning of the area herein described;

Course 1 Thence South 29°-02'-33" East, along the Southwesterly side of said concrete pier, 89.51 feet to a point;

Course 2 Thence South 60°-57'-27" West, 162.44 feet to a point. Said point being in the Southeasterly prolongation of the Southwesterly face of a steel wall;

# Ordinance No. 978-2021

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- Course 3 Thence North 33°-48'-41" West, along said Southeasterly prolongation of the Southwesterly face of said steel wall and along the Southwesterly face of said steel wall, 355.00 feet to a point of curvature therein;
- Course 4 Thence Northeasterly along the arc of a curve deflecting to the right, continuing along the face of said steel wall, 80.54 feet to the point of tangency therein. Said arc having a radius of 48.85 feet and a chord which bears North 13°-25'-12.5" East, 71.72 feet;
- Course 5 Thence North 60°-39'-06" East, along the Northwesterly face of said steel wall, 143.53 feet to a point in the Southwesterly side of the concrete pier as aforesaid;
- Course 6 Thence South 29°-02'-33" East, along the Southwesterly side of said concrete pier 317.93 feet to the principal place of beginning and containing 1.6620 Acres of Area. Be the same more or less but subject to all legal highways.

Section 3. That in addition to modifying the boundaries as stated in Section 2 above, the amendment shall clarify that Metroparks has the right, but not the obligation, to maintain stormwater infrastructure that is located on, but does not serve, the Edgewater Park leased Property.

Section 4. That the Director of Public Works is authorized to enter into one or more amendments to the Lease with Metroparks to modify the boundaries of the Lakeside Yacht Club Property which are part of the leased premises to remove approximately 0.0361 acres (1,575 square feet) from the existing Lakeside Yacht Club leased property, on which is located a Cleveland Public Power monopole. This leased property change is depicted on the map marked as "Exhibit A-6.1." and placed in the above mentioned file and the new park boundaries for the Lakeside Yacht Club leased property is more fully described as follows:

### **Lakeside Yacht Club**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Lake Erie northerly of Original 10 Acre Lot No.'s 155, 156, 157, 158, 159, and 160, described as follows:

Beginning in the northwesterly line of Cleveland Memorial Shoreway at its intersection with the southwesterly line of East 49<sup>th</sup> Street (60 feet wide) extended northerly;

Thence S 54° 43' 23" W, 1058.96 feet along the northwesterly line of said Cleveland Memorial Shoreway;

Thence N 05° 00' 26" W, 11.04 feet to a southeasterly corner of the Submerged Lands Lease to Lakeside Yacht Club, Inc., recorded in AFN 200011280660 of Cuyahoga County Deed Records;

Thence S 73° 46' 00" W, 106.92 feet along the southerly line of said Submerged Lands Lease;

Thence N 05° 16' 37" W, 820.49 feet along the westerly line of said Submerged Lands Lease;

Thence N 54° 43' 23" E, 975.10 feet along the northerly line of said Submerged Lands Lease;

Thence N 10° 05' 45" E, 111.00 feet;

# Ordinance No. 978-2021

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Thence N 65° 06' 38" E, 142.00 feet;

Thence S 85° 47' 33" E, 102.00 feet;

Thence S 38° 48' 13" E, 135.00 feet;

Thence S 46° 56' 55" W, 192.00 feet;

Thence S 08° 25' 51" W, 110.00 feet;

Thence S 34° 01' 21" E, 477.25 feet;

Thence S 54° 43' 23" W, 33.91feet;

Thence S 35° 16' 37" E, 25.13 feet to the northwesterly line of said Cleveland Memorial Shoreway;

Thence S 54° 43' 23" W, 225.98 feet along the northwesterly line of said Cleveland Memorial Shoreway to the point of beginning and containing 22.5758 acres, but subject to all legal highways, easements, restrictions, and covenants. This legal description has been prepared by Gary J. Tata, P.S. #7723 for Cleveland Metroparks from a survey dated revised February 16, 2004 by KS ASSOCIATES, INC.

The bearings are based on the Ohio State Plane, North Zone NAD 83 (1995) Grid North, from said KS ASSOCIATES, INC. survey.

Section 5. That all other terms of the Lease shall remain the same.

Section 6. That the amendment shall be prepared by the Director of Law and shall contain any additional provisions that the Director of Law deems necessary to protect the public interest.

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.

RB:nl  
11-8-2021  
FOR: Director Cox

**By Council Members Hairston, Bishop, Brancatelli and Kelley  
(by departmental request)**

**AN EMERGENCY ORDINANCE**

Authorizing the Director of Public Works to enter into one or more amendments to the Lakefront Parks Lease with the Board of Park Commissioners for the Cleveland Metropolitan Park District to modify the boundaries of certain properties in the leased premises.

**READ FIRST TIME on NOVEMBER 8, 2021  
and referred to DIRECTORS of Public Works, Finance, Law;  
COMMITTEES on Municipal Services and Properties,  
Development Planning and Sustainability, Finance**

**REPORTS**

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**CITY CLERK**

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**READ SECOND TIME**

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**CITY CLERK**

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**READ THIRD TIME**

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**PRESIDENT**

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**CITY CLERK**

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**APPROVED**

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**MAYOR**

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**MUNICIPAL SERVICES  
AND PROPERTIES**

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**DEVELOPMENT, PLANNING AND  
SUSTAINABILITY**

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**FINANCE**

FILED WITH COMMITTEE

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