

RESOLUTION NO. 1994 -116

AUTHORIZING A LEASE, PERPETUAL EASEMENT AND ENCROACHMENT AGREEMENT WITH THE CITY OF CLEVELAND, CUYAHOGA COUNTY, OHIO FOR THE CONSTRUCTION AND PLACEMENT OF THE WATERFRONT TRANSIT LINE.

WHEREAS, the construction, operation, and maintenance of the Waterfront Transit Line by the Greater Cleveland Regional Transit Authority will require access to property owned by the City of Cleveland, Cuyahoga County, Ohio.

WHEREAS, pursuant to Ordinance No. 919-94, the City of Cleveland has authorized and agreed to enter into a Lease, Perpetual Easement and Encroachment Agreement for purposes of granting to the Greater Cleveland Regional Transit Authority rights of use and access to City of Cleveland property and easement rights for the construction, operation and maintenance of the proposed light rail passenger line known as the Waterfront Transit Line upon, over, in, along, and across City of Cleveland property as is described in City of Cleveland Ordinance No. 919-94 and attached hereto and incorporated herein as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio that:

Section 1: A Lease, Perpetual Easement and Encroachment Agreement be entered into with the City of Cleveland, Cuyahoga County, Ohio, for the construction, operation, and maintenance of the light rail passenger line known as the Waterfront Transit Line upon, over, in, along and across City of Cleveland property as is described in City of Cleveland Ordinance No. 919-94, which is attached hereto and incorporated herein as Exhibit "A".

Section 2: The General Manager be and he is hereby authorized to enter into a Lease, Perpetual Easement and Encroachment Agreement with the City of Cleveland as is necessary for the construction, operation and maintenance of the Waterfront Transit Line and on such terms and conditions as the General Manager may deem desirable or necessary but not inconsistent with this Resolution and City of Cleveland Ordinance No. 919-94.

Section 3: This Resolution and the Lease, Perpetual Easement and Encroachment Agreement entered in accordance herewith shall be subject to all other conditions or obligations imposed by law upon the Authority.

Section 4: This Resolution shall take effect immediately upon its adoption and execution by the President of the Board of Trustees.

Adopted July 26, 1994.

Attachment: Exhibit A, City of Cleveland  
Ordinance No. 919-94

Attest: Ronald J. Lee  
General Manager/Secretary-Treasurer

[Signature]  
President

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 007-08-043, 007-08-046, 007-08-184; 007-09-173, 007-09-174, as more fully described in Section 2 below, to Ohio City Development Corp.

**Section 2.** That the real property to be sold pursuant to Section 1 of this ordinance is more fully described as follows:

P.P. No. 007-08-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 40 feet of Sublot No. 951 in Barber and Lord's Allotment of part of Original Brooklyn Township Lots Nos. 51, 52, 69 and 70 as shown by the recorded plat in Volume 11 of Maps, Page 26 of Cuyahoga County Records and being 40 feet front on the Easterly side of West 33rd Street, formerly Green Street, and extending back of equal width 140 feet 6 inches to the Westerly line of West 33rd Place, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 007-08-046

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 949 in Barber and Lord's Subdivision of part of Original Brooklyn Township Lots Nos. 51, 52, 69 and 70, as shown by the recorded plat in Volume 11 of Maps, Page 26 of Cuyahoga County Records, and bounded and described as follows: Beginning in the Southerly line of Chatham Avenue, S.W. at the North-easterly corner of said Sublot No. 949; thence Westerly, 45.00 feet along said Southerly line to a point; thence Southerly, 64.00 feet parallel to said Easterly line of Sublot No. 949; to a point in the Southerly line of said Sublot; thence Easterly, 45.00 feet along said Southerly line to the Southeasterly corner of said Sublot No. 949, and the Westerly line of West 33rd Place; thence Northerly 64.00 feet along said Westerly line to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P.P. No. 007-08-184

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 949 in Barber and Lord's Subdivision of part of Original Brooklyn Township Lots Nos. 51, 52, 69 and 70 as shown by the recorded plat in Volume 11 of Maps, Page 26 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point in the Southerly line of Chatham Avenue, S.W. distant Westerly 45.00 feet from the Northeastery corner of said Sublot No. 949; thence Westerly about 95.00 feet along said Southerly line of Chatham Avenue, S.W. to the Northwestery corner of said Sublot No. 949 and the Easterly line of West 33rd Street; thence Southerly 33.50 feet along said Easterly line to a point; thence Easterly 43.50 feet parallel to the Southerly line of Chatham Avenue, S.W. to a point; thence Southeasterly 4.25 feet to a point distant 36.50 feet by rectangular measurement from said Southerly line of Chatham Avenue, S.W.; thence Easterly, 12.00 feet parallel to said Southerly line of Chatham

Avenue, S.W. to a point; thence Southerly 10.50 feet parallel to said Easterly line of West 33rd Street, to a point; thence Easterly about 37.00 feet parallel to said Southerly line of Chatham Avenue, S.W. to a point distant Westerly, 45.00 feet by rectangular measurement from the Westerly line of West 33rd Place; thence Northerly 47.00 feet parallel to said Westerly line of West 33rd Place, to the place of beginning, be the same more or less, but subject to all legal highways.

P.P. No. 007-09-173

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 236 and 237, in Barber and Lord's Subdivision of part of Original Brooklyn Township Lots Nos. 51, 52, 69 and 70, as shown by the recorded plat in Volume 11 of Maps, Page 26 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Southerly line of Chatham Avenue, S.W. at a point distant Easterly 32.50 feet, measured along said Southerly line from the Northwest corner of said Sublot No. 236; thence Easterly along the Southerly line of Chatham Avenue, S.W. 30 feet; thence Southerly parallel with the Westerly lines of Sublots Nos. 236 and 237, 93.44 feet; thence Westerly parallel with the Southerly line of said Sublot No. 237, 30 feet; thence Northerly parallel with the Westerly line of said Sublots Nos. 237 and 236, 93.44 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P.P. No. 007-09-174

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 236 and 237 in Barber and Lord's Subdivision of part of Original Brooklyn Township Lots Nos. 51, 52, 69 and 70, as shown by the recorded plat in Volume 11 of Maps, Page 26 of Cuyahoga County Records and bounded and described as follows:

Beginning at the intersection of the Southerly line of Chatham Avenue, S. W. with the Easterly line of West 31st Street; said point of beginning being also the North-westerly corner of said Sublot No. 236; thence Easterly along the Southerly line of Chatham Avenue, S.W. 32.50 feet; thence Southerly parallel to the Easterly line of West 31st Street 93.44 feet to a point distant Northerly 35 feet from the Southerly line of said Sublot No. 237; thence Westerly parallel with the Southerly line of said Sublot 32.50 feet to the Easterly line of West 31st Street; thence Northerly along the Easterly line of West 31st Street 93.44 feet to the beginning, be the same more or less, but subject to all legal highways.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and

shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 6.** That this ordinance is hereby 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 June 13, 1994.

Effective June 18, 1994.

Ord. No. 919-94.

By Mayor White.

An emergency ordinance authorizing the Mayor to enter into and execute a lease agreement for City-owned property with the Regional Transit Authority, and authorizing the Director of Public Service to grant certain encroachments in dedicated rights-of-way to the Regional Transit Authority for the construction of a Waterfront Transit Line from Tower City to East 12th Street, for a term not to exceed 99 years.

Whereas, the Regional Transit Authority has submitted a proposal to the City whereby it would lease and encroach upon certain property located in the flats and along Lakeside Avenue to East 12th Street for the purpose of constructing a Waterfront Transit Line to provide transportation to the public from Tower City to the North Coast Harbor Area; and

Whereas, the property rights are not needed for public use by the City during the proposed term of the lease and encroachments; 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 Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Mayor is hereby authorized to enter into a lease agreement with the Regional Transit Authority, or its designee, for the lease of all or a portion of the following described properties, as determined appropriate by the Directors of City Planning and Public Service, and for a lease of the air rights to said properties as described below, for the purpose of constructing a Waterfront Transit Line. Said properties are not needed for public use by the City during the terms specified in Section 3 below.

**PARCEL #1**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Two Acre Lots 205, 206, and also being part of an unnumbered portion of the Plan of the City of Cleveland by Seth Pease dated 1796 and more fully described as follows:

Commencing at a stone monument at the intersection of the center line of Superior Avenue, N.W., with the center line of Mervin Street, N.W., said stone being known as River Stone No. 5;

Thence Northeasterly along said center line of Superior Avenue, N.W., North 74° 21' 22" East, 105.54' to a point;

Thence South 39° 03' 17" East, 50.31' to a concrete nail and washer on the Southeasterly line of said Superior Avenue, N.W.;

Thence continuing South 39° 03' 17" East, 94.32' to a concrete nail and washer on a curve in said line of the most Northerly corner of land conveyed to the 1540 Columbus Corporation by deed recorded in Volume 15478, Page 647, Cuyahoga County Deed Records;

Thence continuing Southeasterly and along the arc of a curve bearing to the right, said curve having a radius of 1055.25', an included angle of 06° 28' 42" and a chord which bears South 34° 29' 03" East, and measures 119.16' to a railroad spike at a point of tangency in said line;

Thence continuing Southeasterly along said Southwesterly line of lands so conveyed to 1540 Columbus Corporation, South 31° 14' 51" East, 232.22' to a "Hilti" nail at a point of curvature of said line and the principal place of beginning;

Thence South 57° 24' 05" West a distance of 40.92' to a point on the Northeasterly line of lands conveyed to Cleveland Union Terminals Company by various instruments;

Thence North 31° 39' 02" West along the Northeasterly line of Cleveland Union Terminals Company lands a distance of 64.73' to a Northerly corner thereof;

Thence South 58° 20' 58" West, 16.00' to the Northeasterly line of James Street, N.W. (34 feet wide);

Thence Northwesterly along the Northeasterly line of said James Street, N.W. (34 feet wide), North 31° 39' 02" West, 35.46' to an angle point and an iron pin in said line being the intersection of the 50' and 34' right of way;

Thence Northwesterly along the Northeasterly line of said James Street N.W. (50 feet wide), North 71° 30' 32" West, 144.46' to an iron pin at the most Southerly corner of Parcel A of the land conveyed to the County of Cuyahoga, by deed recorded in Volume 1716, Page 574, of Cuyahoga County Deed Records;

Thence Northwesterly along the Northeasterly line thereof, North 42° 13' 54" West, 12.04' to 1" rebar in the Southeasterly line of land conveyed to the County of Cuyahoga by deed recorded in Volume 1459, Page 22, of Cuyahoga County Deed Records.

Thence continuing along said line, North 18° 29' 28" East, 41.88' to an angle point and an iron pin in said line;

Thence South 71° 30' 32" East a distance of 187.70' to a point on the Southwesterly line of lands conveyed to 1540 Columbus Corporation as recorded in Cuyahoga County Deed Records Volume 15478, Page 647;

Thence South 31° 14' 51" East along the Southwesterly line of lands conveyed to 1540 Columbus Corporation a distance of 105.00' to a point and the principal place of beginning, containing 0.298 Acres of land, be the same more or less.

#### PARCEL #2

Situated in the City of Cleveland,

County of Cuyahoga, State of Ohio and known as being part of Original Two Acre Lots 201, 202, 203, 204, 205, and more fully described as follows:

Commencing at a stone monument at the intersection of the dock base-line and the center line of St. Clair Avenue, N.W., width varies, said stone being known as River Stone No. 3;

Thence Northeasterly along the center line of St. Clair Avenue, N.W., North 56° 03' 42" East, 71.74' to a point at the intersection of said center line with the Northwesterly prolongation of the Southwesterly line of West 10th Street (50 feet wide);

Thence Southeasterly along said Northwesterly prolongation of the Southwesterly line of West 10th Street, South 62° 36' 28" East, 18.81' to an iron pin at the intersection of the Southeasterly line of St. Clair Avenue, N.W., as aforesaid, and the Southwesterly line of West 10th Street, as aforesaid, and the principal place of beginning for the parcel of land herein described;

Thence Southeasterly along said Southwesterly line of West 10th Street, South 62° 36' 28" East, 119.33' to an iron pin at the Northeasterly corner of land conveyed to Ralph and D.M. Fugo, by deed recorded in Volume 87-0549, Page 22 of Cuyahoga County Deed Records;

Thence Southwesterly along the Northeasterly line of land so conveyed, South 56° 01' 44" West, 46.50' to an iron pin at the Northwesterly corner thereof;

Thence Southeasterly along the Southwesterly line of land so conveyed to Ralph T. and D.M. Fugo, South 51° 34' 07" East, 295.59' to an iron pin at an angle point in said line;

Thence continuing Southeasterly along the Southwesterly line of land so conveyed to Fugo and along the Southwesterly line of the River Bend Condominium as shown by plat recorded in Volume 51, Page 74, of Cuyahoga County Condominium Map Records, South 42° 47' 15" East, 138.42' to a point on the Northwesterly line of Superior Avenue, N.W., width varies;

Thence Southwesterly along said Northwesterly line of Superior Avenue, N.W., South 76° 52' 43" West, 92.74' to an iron pin at the intersection of said Northwesterly line of Superior Avenue, N.W., width varies and Old River Road, N.W. (33' feet wide);

Thence Northwesterly along the Northeasterly line of said Old River Road, N.W., North 32° 14' 21" West, 185.48' to an iron pin at an angle point therein;

Thence continuing along said Northeasterly line of Old River Road, N.W., North 51° 38' 53" West, 320.01' to an iron pin on the Southwesterly line of St. Clair Avenue, N.W., as aforesaid;

Thence Northeasterly along said Southeasterly line of St. Clair Avenue, N.W., North 56° 03' 42" East, 56.96' to the principal place of beginning, containing 0.61 Acres of land, be the same more or less.

#### PARCEL #3

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Two Acre Lots 194, 195, 196, 197, 198, 199, 200 and more fully described as follows:

Commencing at a point at the intersection of the center line of W. 9th Street (99 feet wide) and the

original center line of Main Avenue, N.W. (40 feet wide), said point being North 33° 54' 47" West, 218.70' along the center line of said W. 9th Street from the center line of Lakeside Avenue;

Thence along the original center line of said Main Avenue, N.W., South 56° 08' 29" West, 534.50' to a point at the intersection of said center line with the Northwesterly prolongation of the Southwesterly line of West 10th Street (50 feet wide);

Thence Southeasterly along said prolongation of the Southwesterly line of West 10th Street, South 33° 54' 47" East, 20.00' to a drill hole on the original Southerly line of said Main Avenue, N.W., and the principal place of beginning for the parcel of land herein described;

Thence continuing Southeasterly along the Southwesterly line of West 10th Street, South 33° 54' 47" East, 60.55' to a point at the Northerly terminus of the vacation of West 10th Street as shown by the plat recorded in Volume 188, Page 19, of Cuyahoga County Map Records;

Thence Southwesterly along the arc of a curve bearing to the left, said curve having a radius of 950.00', an included angle of 01° 38' 37" and a chord which bears South 49° 22' 25" West, and measures 27.25', a distance of 27.25' to a drill hole and "x" in a concrete wall in the Southwesterly line of land conveyed to the 1200 West Ninth Street Limited Partnership by deed recorded in Volume 85-3840, Page 3, of Cuyahoga County Deed Records;

Thence Southeasterly along said Southwesterly line of lands so conveyed, South 33° 54' 47" East, 216.89' to an interior corner thereof;

Thence North 56° 05' 13" East, 52.06' to an iron pin at an interior corner thereof, in the center line of said vacated West 10th Street;

Thence Southeasterly along said Southwesterly line, and the center line of vacated West 10th Street, South 33° 54' 47" East, 195.19' to an iron pin at the Southeasterly terminus of the vacation of West 10th Street, as aforesaid;

Thence South 56° 05' 13" West, 25.00' to the Southwesterly line of West 10th Street, as aforesaid and an iron pin;

Thence Southeasterly along the Southwesterly line of said West 10th Street, South 33° 54' 47" East, 397.97' to an iron pin at its intersection with the Northeasterly line of St. Clair Avenue, N.W., of varied width;

Thence along the Northwesterly line of said St. Clair Avenue, N.W., South 56° 03' 42" West, 28.49' to an iron pin on the Northeasterly line of lands conveyed to Joseph Waters by deed recorded in Volume 83-0107, Page 543, of Cuyahoga County Deed Records;

Thence Northwesterly along the Northeasterly line of land so conveyed to Waters, North 39° 33' 08" West, 89.47' to an iron pin at the Northeasterly thereof and the Southeasterly line of land conveyed to G.F. and M.A. Franklin, by deed recorded in Volume 85-1846, Page 44, of Cuyahoga County Deed Records;

Thence Northeasterly along said Southeasterly line of lands so conveyed, North 40° 45' 29" East, 0.57' to an iron pin at the Southeasterly corner thereof;

Thence Northwesterly along the Northeasterly line of land so conveyed to Franklin, and land conveyed to Lorriane A. Holder as Parcel 1 and 2 of deed recorded in Volume 86-0719, Page 30, of Cuyahoga

County Deed Records North 37° 50' 52" West, 127.40' to an iron pin and an angle point therein;

Thence Northwesterly along the Northeastly line of land so conveyed to Holder, North 42° 23' 15" West, 117.95' to a drill hole at the Southeastly corner of land conveyed to Samsel Rope and Marine Supply Company by deed recorded in Volume 13368, Page 817 of Cuyahoga County Deed Records;

Thence Northwesterly along the Northeastly line of land so conveyed to Samsel, North 39° 32' 03" West, 49.22' to a concrete nail and washer at a point on a curve in said line;

Thence along the arc of a curve bearing to the right, said curve having a radius of 1348', an included angle of 07° 11' 05" and a chord which bears North 38° 21' 20" West, and measures 168.93', a distance of 169.04' to an iron pin;

Thence South 56° 07' 22" West, 2.88' to an iron pin;

Thence continuing Northwesterly along the Northeastly line of lands so conveyed to Samsel Rope and along the Northeastly line of lands conveyed to the Droe Express System, Inc. as Parcel B of deed recorded in Volume 8859, Page 19, of Cuyahoga County Deed Records, and along the Northwesterly prolongation thereof, North 33° 55' 18" West, 318.52' to a "Hilti" nail on the Southeastly line of Main Avenue, N.W., as aforesaid;

Thence Northeastly along the Southeastly line of said Main Avenue, N.W., North 56° 08' 29" East, 83.68' to the principal place of beginning. Containing 1.281 acres of land, be the same more or less.

#### PARCEL #4

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Two Acre Lots 191, 192, 193, and more fully described as follows:

Commencing at the intersection of the center line of W. 9th Street (99 feet wide) and the original center line of Main Avenue, N.W. (40 feet wide), said point being North 33° 54' 47" West, 218.70 feet along the center line of said W. 9th Street from the center line of Lakeside Avenue, N.W.;

Thence along said original center line of Main Avenue, N.W., South 56° 08' 29" West, 586.07' to a point;

Thence North 33° 49' 18" West, 20' to a "Hilti" nail on the Northwesterly line of said Main Avenue, N.W. and the principal place of beginning for the parcel of land herein described;

Thence Southwesterly along the Northwesterly line of said Main Avenue, N.W., South 56° 08' 29" West, 33.75' to an iron pin on the easterly line of land conveyed to River Street Station Associates as Parcel No. 2 of deed recorded in Volume 86-6874, Page 67, of Cuyahoga County Deed Records;

Thence Northwesterly along a Northeastly line of said River Street Station Associates, North 33° 54' 46" West, 124.85' to a concrete nail and washer and angle point therein;

Thence South 60° 36' 41" East, 4.45' to a concrete nail and washer;

Thence North 40° 38' 26" West, 96.28' to a concrete nail and washer and a point on a curve in said line;

Thence Northwesterly and along an arc of a curve bearing to the left, said curve having a radius of 372.00 feet, and an included angle of 36°

07' 12", and a chord which bears North 56° 48' 43" West, and measures 230.65' an arc distance of 234.51' to an iron pin on the Southwesterly line of Front Avenue, N.W., said point being also the most Northerly corner of exception land as mentioned in the deed to the U.S. Money Order Corporation by deed recorded in Volume 86-4297, Page 38, Cuyahoga County Deed Records;

Thence Northeastly along the Southeastly line of said Front Avenue, North 66° 10' 50" East, 172.33' to a point;

Thence South 33° 49' 18" East, a distance of 64.74' to a point and the beginning of a curve;

Thence Southeastly and along an arc of a curve bearing to the right, said curve having a radius of 345.09', an included angle of 26° 29' 56", and a chord which bears South 20° 34' 21" East, and measures 158.18' an arc distance of 159.60' to a point of tangency;

Thence continuing along said Southwesterly line of lands conveyed to James Kassoff by deed recorded in Volume 83-1524, Page 30 of Cuyahoga County Deed Records, South 33° 49' 18" East, 180.15' to the principal place of beginning. Containing 0.605 Acres of land, be the same more or less.

#### PARCEL #4a

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Two Acre Lots 191, 192, 193, and more fully described as follows:

Commencing at the intersection of the center line of W. 9th Street (99 feet wide) and the original center line of Main Avenue, N.W. (40 feet wide), said point being North 33° 54' 47" West, 218.70 feet along the center line of said W. 9th Street from the center line of Lakeside Avenue, N.W.;

Thence along said original center line of Main Avenue, N.W., South 56° 08' 29" West, 586.07' to a point;

Thence North 33° 49' 18" West, 20' to a "Hilti" nail on the Northwesterly line of said Main Avenue, N.W. and the principal place of beginning for the parcel of land herein described;

Thence continuing along said bearing North 33° 49' 18" West, 180.15' to a point and the beginning of a curve;

Thence Northwesterly and along an arc of a curve bearing to the right, said curve having a radius of 345.09', an included angle of 26° 29' 56", and a chord which bears North 20° 34' 21" West, and measures 158.18' an arc distance of 159.60' to a point;

Thence South 33° 49' 18" East, 334.10' to a point on the Northwesterly line of said Main Avenue, N.W.;

Thence along the Northwesterly line of said Main Avenue, N.W., South 56° 08' 29" West, 36.25' to the principal place of beginning. Containing 0.236 Acres of land, be the same more or less.

#### PARCEL #9

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Two Acre Lots 9 and 10, and further described as follows:

Commencing at the center line intersection of Lakeside Avenue and W. 3rd Street a bearing of North 34° 02' 47" West, a distance of 842.92' to a point in the center line of W. 3rd Street;

Thence North 55° 55' 53" East, a

distance of 49.50' to a point of the Northeastly right of way line of W. 3rd Street and the principal place of beginning;

Thence North 55° 55' 53" East, a distance of 100' to a point;

Thence South 34° 04' 07" East, a distance of 36.42' to a point;

Thence South 59° 17' 00" West, a distance of 100.18' to a point;

Thence North 34° 02' 47" West, a distance of 30.57' to a point and the principal place of beginning. Containing 0.077 acres, be the same more or less.

#### PARCEL #10

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lots 186 to 190 and 132 to 136, and further described as follows:

Commencing at the intersection of the Northerly right of way line of Lakeside Avenue and Easterly right of way line of East 9th Street a bearing of North 34° 00' 00" West, a distance of 583.94' to a point in the Easterly right of way line of East 9th Street and the principal place of beginning;

Thence continuing along the Northeastly line of land owned by Conrail North 56° 54' 11" East, a distance of 641.43' to a point;

Thence along the Northeastly line of land owned by Conrail North 56° 04' 56" East, a distance of 1159.34' to a point;

Thence along the Northeastly line of land owned by Conrail North 47° 38' 08" East, a distance of 242.13' to a point;

Thence along the Northeastly line of land owned by Conrail North 56° 29' 49" East, a distance of 439.15' to a point;

Thence North 33° 30' 11" West, a distance of 77.50' to a point;

Thence South 56° 29' 49" West, a distance of 160.00' to a point;

Thence South 33° 30' 11" East, a distance of 47.50' to a point;

Thence South 56° 29' 49" West, a distance of 281.48' to a point;

Thence South 47° 38' 08" West, a distance of 242.24' to a point;

Thence South 56° 04' 56" West, a distance of 1156.91' to a point;

Thence South 56° 54' 11" West, a distance of 641.70' to a point;

Thence South 34° 00' 00" East, a distance of 30.00' to a point and the principal place of beginning, containing 1.884 acres, be the same more or less.

#### PARCEL #11

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Two Acre Lots 23 and 24, and more fully described as follows:

Commencing at the intersection of the Northwesterly right of way line of Lakeside Avenue and the Southwesterly right of way line of East 9th Street;

Thence along the Southwesterly right of way line of East 9th Street North 34° 00' 00" West, a distance of 580.25' to a point and the principal place of beginning;

Thence South 58° 29' 44" West, a distance of 50' to a point;

Thence South 71° 40' 12" West, a distance of 175.33' to a point;

Thence North 58° 29' 44" East, a distance of 218.97' to a point on the Southwesterly right of way line of East 9th Street;

Thence along the Southwesterly right of way line of East 9th Street South 34° 00' 00" East, a distance of

40.00' to a point and the principal place of beginning. Containing 0.123 acres of land, be the same more or less.

#### PARCEL #12

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and more fully described as follows: Commencing at the intersection of the Southeasterly right of way line of St. Clair Avenue and the Southwesterly right of way line of Old River Road, and the principal place of beginning;

Thence along the Southwesterly right of way line of Old River Road South 51° 38' 53" East, a distance of 330.36' to an angle point;

Thence South 33° 00' 03" East, a distance of 65.07' to a point;

Thence South 56° 59' 57" West, a distance of 21.77' to a point;

Thence North 33° 00' 03" West, a distance of 70.00' to an angle point;

Thence North 51° 38' 53" West, a distance of 324.81' to a point on the Southeasterly right of way line of St. Clair Avenue;

Thence along the Southeasterly right of way line of St. Clair Avenue North 56° 03' 42" East, a distance of 20.00' to the principal place of beginning. Containing 0.177 acres of land, be the same more or less.

#### AIR RIGHTS

The City of Cleveland shall grant to RTA a perpetual easement two feet vertical elevation above and in excess of any structure, support or portion of the Transit Line constructed by RTA and used in or necessary to the operation of the Waterfront Transit Line.

Section 2. That all property interests shall be leased to the Regional Transit Authority pursuant to this ordinance in consideration for the sum of \$1.00 per parcel per year, plus applicable taxes and assessments.

Section 3. That the term of the lease authorized pursuant to this ordinance shall not exceed 99 years.

Section 4. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized to grant encroachments to the Regional Transit Authority, or its designee, in all or a portion of the following described rights-of-way, as determined appropriate by the Director of Public Service, for the street and road crossings needed for construction of a Waterfront Transit Line.

#### OLD RIVER ROAD - ROAD CROSSING

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and more fully described as follows: Commencing at the intersection of the Northeasterly right of way line of Old River Road and the Southeasterly right of way line of St. Clair Avenue, and the principal place of beginning;

Thence along the Northeasterly right of way line of Old River Road South 51° 38' 53" East, a distance of 325.70' to an angle point;

Thence along the Northeasterly right of way line of Old River Road South 33° 00' 03" East, a distance of 70.00' to a point;

Thence South 56° 59' 57" West, a distance of 30.00' to a point on the Southwesterly right of way line of Old River Road;

Thence North 33° 00' 03" West, a distance of 65.07' to an angle point;

Thence North 51° 38' 53" West, a distance of 330.36' to a point on the Southeasterly right of way line of St. Clair Avenue;

Thence North 56° 03' 42" East, a distance of 31.49' to a point and the principal place of beginning. Containing 0.272 acres of land, be the same more or less.

#### THE WEST 3RD STREET ROAD CROSSING

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Two Acre Lots 8 and 9, and more fully described as follows:

Commencing at the intersection of the Northwesterly right of way line of Lakeside Avenue and the Northeasterly right of way line of W. 3rd Street;

Thence along the Northeasterly right of way line of W. 3rd Street North 34° 02' 47" West, a distance of 688.00' to a point and the principal place of beginning;

Thence South 55° 57' 13" West, a distance of 99.00' to a point on the Northwesterly right of way line of W. 3rd Street;

Thence along the Northwesterly right of way line of W. 3rd Street North 34° 02' 47" West, a distance of 40.00' to a point;

Thence North 55° 57' 13" East, a distance of 99.00' to a point on the Northeasterly right of way line of W. 3rd Street;

Thence along the Northeasterly right of way line of W. 3rd Street South 34° 02' 47" East, a distance of 40.00' to the principal place of beginning. Containing 0.091 acres of land, be the same more or less.

#### THE FRONT AVENUE ROAD CROSSING

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and more fully described as follows:

Commencing at the intersection of the Northwesterly right of way line of W. 10th Street and the Southeasterly right of way line of Front Avenue;

Thence along the Southeasterly right of way line of Front Avenue South 66° 10' 50" West, a distance of 14.88' to a point and the principal place of beginning;

Thence along the Southeasterly right of way line of Front Avenue South 66° 10' 50" West a distance of 172.33' to a point;

Thence North 74° 52' 19" West, a distance of 127.27' to a point on the Northwesterly right of way line of Front Avenue;

Thence along the Northwesterly right of way line of Front Avenue North 66° 10' 50" East, a distance of 172.33' to a point;

Thence South 74° 52' 19" East, a distance of 127.27' to a point on the Southeasterly right of way line of Front Avenue and the principal place of beginning. Containing 0.317 acres of land, be the same more or less.

#### THE EAST 9TH STREET ROAD CROSSING

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and more fully described as follows:

Commencing at the intersection of the Northwesterly right of way line of Lakeside Avenue and the Northeasterly right of way line of E. 9th Street;

Thence along the Northeasterly right of way line of E. 9th Street North 34° 00' 00" West, a distance of 580.00' to a point and the principal

place of beginning;

Thence South 55° 57' 35" West, a distance of 99.00' to a point on the Northwesterly right of way line of E. 9th Street;

Thence along the Northwesterly right of way line of E. 9th Street North 34° 00' 00" West, a distance of 40.00' to a point;

Thence North 55° 57' 35" East, a distance of 99.00' to a point on the Northeasterly right of way line of E. 9th Street;

Thence along the Northeasterly right of way line of E. 9th Street South 34° 00' 00" East, a distance of 40.00' to the principal place of beginning. Containing 0.091 acres of land, be the same more or less.

#### THE JAMES STREET ROAD CROSSING

Situated in the City of Cleveland, County of Cuyahoga, and the State of Ohio and fully described as follows:

Commencing at the intersection of the Southeasterly right of way line of Merwin Street and the Northwesterly right of way line of James Street and the principal place of beginning;

Thence along the Northwesterly right of way line of James Street South 71° 30' 32" East, a distance of 349.51' to an angle point;

Thence South 31° 39' 02" East, a distance of 182.17' to the intersection of the Northeasterly right of way line of James Street and the Northwesterly right of way line of Canal Road;

Thence North 55° 54' 18" East, a distance of 8.13' to the intersection of the Northwesterly right of way line of Canal Road and the Northwesterly right of way line of Columbus Road vacated;

Thence South 12° 54' 18" West, a distance of 39.50' to a point;

Thence along the Northeasterly right of way line of Columbus Road, N.W. North 71° 30' 32" West, a distance of 42.02' to a point;

Thence North 39° 00' 48" East, a distance of 13.26' to a point on the Southwesterly right of way line of James Street;

Thence along the Southwesterly right of way line of James Street North 31° 39' 02" West, a distance of 136.03' to an angle point;

Thence North 71° 30' 32" West, a distance of 357.97' to the point of intersection of the Southeasterly right of way line of Merwin Street and the Southwesterly right of way line of James Street;

Thence North 20° 21' 22" East, a distance of 50.03' to the intersection of the Southeasterly right of way line of Merwin Street and the Northeasterly right of way line of James Street, said point also being the principal place of beginning. Containing 0.552 acres of land, be the same more or less.

#### THE SUPERIOR AVENUE ROAD CROSSING

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Two Acre Lot 205 and more fully described as follows:

Commencing at the intersection of the Northeasterly right of way line of Merwin Street and the Southeasterly right of way line of Superior Avenue said point being the Northwest corner of land conveyed to Bonita M. Stossmeister and the principal place of beginning;

Thence North 16° 59' 31" West, a distance of 102.74' to a point on the

Intersection of the Northeasterly right of way line of Superior Avenue and the Southeasterly right of way line of Old River to a point;

Thence along the Northeasterly right of way line of Superior Avenue North 76° 52' 43" East, a distance of 92.74' to a point;

Thence South 15° 05' 25" East, a distance of 94.79' to a point on the Southeasterly right of way line of Superior Avenue and the Northeasterly corner of land conveyed to Bonita M. Stossmeyer;

Thence along the Southeasterly right of way line of Superior Avenue South 71° 53' 22" West, a distance of 89.40' to the principal place of beginning. Containing 0.206 acres of land, be the same more or less.

#### THE ST. CLAIR AVENUE ROAD CROSSING

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Two Acre Lot 200 and more fully described as follows:

Commencing at the intersection of the Northwesterly right of way line of Old River Road and the Southeasterly right of way line of St. Clair Avenue and point being the principal place of beginning;

Thence North 44° 28' 03" West, a distance of 81.52' to a point on the Northwesterly right of way line of Old River Road;

Thence South 69° 48' 54" East, a distance of 18.42' to a point on the Northwesterly right of way line of St. Clair Avenue;

Thence along the Northwesterly right of way line of St. Clair Avenue North 56° 08' 29" East, a distance of 40.07' to a point on the intersection of the Northwesterly right of way line of St. Clair Avenue and the Southeasterly right of way line of West 10th Street;

Thence South 51° 47' 18" East, a distance of 68.52' to a point and the intersection of the Southeasterly right of way line of St. Clair Avenue and the Southwesterly right of way line of West 10th Street;

Thence South 56° 03' 42" West, a distance of 56.96' along the Southeasterly right of way line of St. Clair Avenue and to the principal place of beginning. Containing 0.080 acres of land, be the same more or less.

#### THE MAIN AVENUE ROAD CROSSING

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Two Acre Lot 194, and more fully described as follows:

Commencing at the intersection of the center line of W. 9th Street (99 feet wide) and the original center line of Main Avenue, N.W. (40 feet wide), said point being North 33° 54' 47" West, 218.70' along the center line of said W. 9th Street from the center line of Lakeside Avenue, N.W.;

Thence along said original center line of Main Avenue, N.W., South 56° 08' 29" West, a distance of 534.50' to a point;

Thence South 33° 54' 47" East, a distance of 20.00' to a drill hole set on the original Southerly line of said Main Avenue, N.W.;

Thence South 56° 08' 29" West, a distance of 48.69' to a point of the Northwesterly corner of the existing retaining wall and the principal place of beginning;

Thence along the original Southerly line of said Main Avenue, N.W.,

South 56° 08' 29" West, a distance of 35.00' to an angle point on the Northwesterly corner of Parcel 3;

Thence North 36° 11' 39" West, a distance of 40.07' to a point on the original Northerly line of said Main Avenue, N.W., and the Southwesterly corner of Parcel 4;

Thence North 56° 08' 29" East, a distance of 45.00' to an angle point on the Northerly original line of said Main Avenue, N.W., and the Southeasterly corner of Parcel 4a;

Thence South 22° 03' 11" East, a distance of 40.90' to the principal place of beginning. Containing 0.037 acres of land, be the same more or less.

Section 5. That consideration for the encroachment interests shall be \$1.00 per parcel per year, plus applicable taxes and assessments.

Section 6. That the duration of the encroachment interests shall not exceed 99 years.

Section 7. That the lease and encroachment documents as well as any other documents which are necessary or appropriate to effectuate the lease and grants of encroachment authorized by this ordinance, including temporary construction easements or rights of entry needed by the Regional Transit Authority for the construction period, shall be prepared by the Director of Law and executed by the Mayor and the Director of Public Service. All documents shall contain such additional terms and conditions as are required to protect the interests of the City.

Section 8. That the Mayor and the Directors of City Planning and Public Service, and other appropriate City officials, upon proper notification of Council, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the transactions authorized by this ordinance.

Section 9. That the Director's of City Planning and Public Service and the Regional Transit Authority shall report to the Council on a monthly basis as to the progress of this project, including money spent.

Section 10. That this ordinance is hereby 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 June 13, 1994.  
Effective June 22, 1994.

#### Ord. No. 920-94.

By Councilmen Brady and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials needed to repair and upgrade not to exceed two KVA transformers at Kirtland Pump Station, for the Division of Water, Department of Public Utilities.

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 Utilities is hereby authorized and directed to make a written contract in accordance with the Charter

and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials needed to repair and upgrade not to exceed two (2) KVA transformers at Kirtland Pump Station, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 20412.

Section 3. That this ordinance is hereby 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 June 13, 1994.  
Effective June 18, 1994.

#### Ord. No. 922-94.

By Councilmen Brady and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials needed to repair air tools, for the Division of Water, Department of Public Utilities.

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 Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials needed to repair air tools in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20410)

Section 3. That this ordinance is hereby 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