

# County Council of Cuyahoga County, Ohio

## Resolution No. R2021-0290

<b>Sponsored by: County Executive Budish/Department of Public Works/Division of County Engineer</b>	<b>A Resolution</b> approving an additional Right-of-Way Exhibit as set forth in Plat No. M-5036 for the replacement of Jefferson Avenue Bridge No. 00.57 between West 3 <sup>rd</sup> Street and the Cuyahoga River in the City of Cleveland; authorizing the County Executive through the Department of Public Works to acquire said necessary Right-of-Way; and declaring the necessity that this Resolution become immediately effective.
<b>Co-sponsored by: Councilmember Conwell</b>	

WHEREAS, the County Executive/Department of Public Works/Division of County Engineer has recommended approving an additional Right-of-Way Exhibit as set forth in Plat No. M-5036 for the replacement of Jefferson Avenue Bridge No. 00.57 between West 3<sup>rd</sup> Street and the Cuyahoga River in the City of Cleveland; and

WHEREAS, the primary goal of this project is to obtain Council's review and approval of the right-of-way plans and approval of the required acquisitions needed for Plat No. M-5036 for the replacement of Jefferson Avenue Bridge No. 00.57 between West 3<sup>rd</sup> Street and the Cuyahoga River in the City of Cleveland; and

WHEREAS, the project is located in Council District 7; and

WHEREAS, the estimated right-of-way acquisition cost is \$500,000.00, which will be funded 100% by County Road and Bridge Fund; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the Cuyahoga County Council hereby approves an additional Right-of-Way Exhibit as set forth in Plat No. M-5036 for the replacement of Jefferson Avenue Bridge No. 00.57 between West 3<sup>rd</sup> Street and the Cuyahoga River in the City of Cleveland.

**SECTION 2.** That the County Executive through the Department of Public Works is hereby authorized to acquire the Right-of-Way necessary for said improvement.

**SECTION 3.** That all proceedings relative to the additional Right-of-Way Exhibit as set forth in Plat No. M-5036 are hereby ordered copied into the Road Record of the County by the Department of Public Works are copied into all other proper records of the County by the Fiscal Officer as required by law.

**SECTION 4.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 5.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Tuma, seconded by Ms. Conwell, the foregoing Resolution was duly adopted.

Yeas: Gallagher, Schron, Conwell, Turner, Stephens, Simon, Baker, Miller, Sweeney, Tuma and Jones

Nays: None

  
\_\_\_\_\_  
County Council President

1/26/22  
Date

  
\_\_\_\_\_  
County Executive

1-28-22  
Date

  
\_\_\_\_\_  
Clerk of Council

1-26-22  
Date

First Reading/Referred to Committee: December 7, 2021  
Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested: January 25, 2022

Journal CC045  
January 25, 2022



## **EXHIBIT "A"**

### **PARCEL 6-T JEFFERSON AVENUE BRIDGE 00.57**

### **TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING WORK, INGRESS, & EGRESS, NECESSARY FOR THE REPLACEMENT OF A BRIDGE FOR 24 MONTHS FROM THE DATE OF ENTRY BY THE COUNTY OF CUYAHOGA, OHIO**

*The below legal description is based on the subject parcel's (004-33-001) description taken from the deed recorded in Cuyahoga County Records Volume 95311 Page 9, under section 'Site Name: PLANT "J", Parcel No. 1, page 19 of 20.*

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lot No. 87 and being 0.9435 Acres (41097.5179 square feet). Said easement being parts of sublots 1116, 1117, 1118, 1119, 1127, 1128, 1129, 1130, 1131, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, a part of Scothan Avenue, S.W., and a vacated part of Scothan Avenue, S.W., all in S. S. Stone's Survey of College Tract of, as shown by the recorded plat in Volume 2, Page 31 of Cuyahoga County Records. Temporary Easement No. 6-T, for the replacement of Jefferson Avenue bridge No. 00.57 and on land conveyed to Cleveland Builders Supply by deed recorded in Cuyahoga County Records Volume 95311 Page 9, under the section titled 'Site Name: PLANT "J", Parcel No. 1, page 19 of 20, from a survey performed by Charles W. Root, P.E., P.S. in February, 1936.

And further described as follows:

Commencing (POC) at the intersection of the northwesterly line of Mary Avenue S.W., (66') and the northeasterly line of West 3<sup>rd</sup> Street, thence 140.02 feet north 53 degrees 09 minutes 40 seconds east to a point on the northwesterly line of said Mary Avenue, thence 247.29 feet north 37 degrees 00 minutes 00 seconds west, parallel with the northeasterly line of said West 3<sup>rd</sup> Street, to a point of curvature, thence turning to the right along an arc of a curve defined by the following; chord distance of 198.49 feet, a chord bearing of north 22 degrees 12 minutes 26 seconds west, a delta of 29 degrees 35 minutes 09 seconds, a tangent of 102.65 feet, an arc length of 200.71 feet, and a radius of 388.70 feet, to the Principal Point of Beginning (PPOB) of the easement herein described:

**COURSE I -** Continuing along the curve deflecting to the right defined by the following; chord distance of 63.97 feet, a chord bearing of north 02 degrees 41 minutes 38 seconds west, a delta of 9 degrees 26 minutes 26 seconds, a tangent of 32.10 feet, an arc length of 64.05 feet, and a radius of 388.70 feet;

<CONTINUED>





## EXHIBIT "A"

- COURSE II** - Thence a distance of 325.77 feet north 02 degrees 23 minutes 50 seconds east along the easterly line of property owned by Tremont Industrial Properties Co. as recorded in Deed Volume 87-74427 Page 4, to the southerly line of Jefferson Avenue (60');
- COURSE III** - Thence a distance of 120.04 feet south 87 degrees 36 minutes 10 seconds east, to a point on the southerly line of Jefferson Avenue (60'), said point distant 105.37 feet from the intersection of the southerly line of said Jefferson Avenue and the dock line as described by the City of Cleveland Ordinance No. 43854;
- COURSE IV** - Thence a distance of 355.41 feet south 05 degrees 25 minutes 40 seconds east to a point on the south line of the parcel, said point also being the western most angle point of the south parcel line;
- COURSE V** - Thence a distance of 102.41 feet south 71 degrees 20 minutes 24 seconds west to the PRINCIPAL PLACE OF BEGINNING (PPOB) of the easement herein described and containing 41097.5179 square feet (0.9435 acres) of land according to an administrative legal description by Dino Lustrì, P.E. (#79759), P.S. (#8360), of Cuyahoga County Department of Public Works, dated November 3, 2021, be the same, more or less, but subject to all legal highways.

*\*\* The intent of this description is to describe the western area of parcel 004-33-001, with bounds on the south, west, and north boundary lines containing an area to be used for improvement plans by Palmer Engineering from Medina, dated 10/21/2021, containing 41097.5179 square feet (0.9435 acres) plus or minus. \*\**

Digitally signed by Dino Lustrì,  
P.E., P.S.  
DN: C=US, E=dino@dles.co,  
O=D.L. Engineering &  
Surveying, CN="Dino Lustrì,  
P.E., P.S."  
Date: 2021.11.03 13:26:23-04'00'

Dino.Lustrì, P.E., P.S.

