

ORDINANCE NO.: 85-2022

SPONSORED BY: MAYOR MATTHEW A. BURKE

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN EASEMENT AGREEMENT WITH SOUTHSIDE CORPORATE CENTRE, LTD.

WHEREAS, The City of Garfield Heights is installing a sidewalk that travels through Garfield Heights, and

WHEREAS, all parties have agreed to install a sidewalk which will run through property owned by Southside Corporate Centre, Ltd., and

WHEREAS, the City would like to enter into an easement agreement with Southside Corporate Centre, Ltd. for the purpose of allowing the Garfield Heights to enter the property of Southside Corporate Centre, Ltd. for any/all future construction and maintenance of the sidewalk, and

WHEREAS, the project is being completed using Community Development Block Grant (“CDBG”) funds.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Garfield Heights, Ohio, that:

SECTION 1. The Mayor, or his designee, is hereby authorized and directed to enter into an easement agreement (agreement attached hereto as Exhibit A and included as if fully written within) with Southside Corporate Centre, Ltd. for the above-stated purpose.

SECTION 2. Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare; therefore, this Ordinance shall be in full force and effect immediately upon the adoption by Council and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED: _____

APPROVED: _____
MAYOR

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

EFFECTIVE DATE: _____

PERMANENT SIDEWALK EASEMENT

The undersigned owner of the within described property, Southside Corporate Centre Ltd., whose mailing address is 30799 Pinetree Rd., Suite 254, Cleveland, Ohio 44124, hereinafter designated "Grantor," in consideration of the sum of One and no/100 (\$1.00) Dollar, receipt of which is hereby acknowledged, does hereby grant, convey and assign to the City of Garfield Heights, Ohio, whose address is 5407 Turney Road, Garfield Heights, Ohio 44125, hereinafter designated Grantee, a non-exclusive, perpetual and permanent easement and right-of-way over and across land owned by the Grantor and described as follows:

A 5.00-foot Sidewalk Easement over Parcel 542-27-005, as depicted in Exhibit A attached hereto, which incorporated herein by reference as if fully written, and further described as follows:

0.0139 Acre – Sidewalk Easement

Situated in the State of Ohio, County of Cuyahoga, City of Garfield Heights, being part of Original Independence Township Tract 1 and 2, East of the River, and being part of Parcel A of the Lot Split/Consolidation made for and at the Instance of Garfield Land Development LLC and Southside Corporate Centre Ltd., as recorded in Plat Volume 340, Page 83, a 3.0813 acre tract of land in the name of Southside Corporate Centre Ltd., as recorded in AFN 200508100440, all references are on file with the Recorder's Office, Cuyahoga County, Ohio and being more particularly described as follows:

Commencing for reference at a 5/8" iron pin found in a monument box at the centerline

intersection of Transportation Boulevard (R/W width varies) and Antenucci Boulevard (R/W width varies), thence North $86^{\circ}21'45''$ East, a distance of 219.94 feet along the centerline of said Antenucci Boulevard to a $3/4''$ iron pin found in a monument box at a point of curvature, thence along an arc to the left with a delta angle of $13^{\circ}33'46''$, a radius of 310.00 feet, a chord bearing of North $79^{\circ}34'53''$ East and a chord distance of 73.21 feet to a point on said curve, thence South $17^{\circ}12'00''$ East, a distance of 39.01 feet, leaving said centerline to a point in a curve in the southerly right of way line of said Antenucci Boulevard and the TRUE PLACE OF BEGINNING for the tract of land herein described;

Course No. 1 Thence 119.90 feet along said southerly right of way line curving to the left with a delta angle of $21^{\circ}24'03''$, a radius of 321.00 feet, a chord bearing of North $60^{\circ}48'43''$ East and chord distance of 119.20 feet to a point;

Thence leaving said southerly right of way line and traversing through Grantor's 3.0813 acre tract for Course No. 2 through Course No. 4

Course No. 2 Thence South $39^{\circ}53'18''$ East, a distance of 5.00 feet to a point of curvature;

Course No. 3 Thence 121.77 feet along an arc to the right, parallel to the southerly right of way line of Antenucci Boulevard with a delta angle of $21^{\circ}24'03''$, a radius of 326.00 feet, a chord bearing of South $60^{\circ}48'43''$ West and a chord distance of 121.06 feet to a point;

Course No. 4 Thence North $18^{\circ}29'15''$ West, a distance of 5.00 feet to the TRUE PLACE OF BEGINNING, containing 0.0139 acres of land, more or less.

The bearings herein are assumed and used to denote angle only.

Grantor warrants that it has the right and authority to grant this easement as described above for the benefit and use of Grantee, its successors and assigns, forever, and that Grantor owns the lands covered by the easement and right-of-way.

The easement granted herein shall be for the purpose of public use as a sidewalk and shall include the right of Grantee, its agents and employees to install, construct, operate, maintain, repair, replace, reinstall, inspect, and keep in working order a sidewalk which may run over and across the above described easement and right-of-way, referred to as the "Sidewalk Easement."

This Easement shall include the right to Grantee and its agents, within the Sidewalk Easement, to excavate a foundation for such Sidewalk, to construct by paving or otherwise, the Sidewalk in the Easement area; and to remove trees, brush, undergrowth and other obstructions which may interfere with the location, construction maintenance or repair of such Sidewalk. The easement granted herein shall also include the right of Grantee and its authorized agents to enter upon sufficient land owned by the Grantor which is adjacent to the Sidewalk Easement as is required for the construction, installation maintenance, repair, replacement, reinstallation, operation, and inspection of said Sidewalk, together with the right to install signs on the adjacent land as to be used by the public.

Grantee covenants and agrees that as consideration for the Sidewalk Easement, Grantee shall be obligated to restore the areas adjoining the easement to their former condition, insofar as is reasonably possible, following construction, reconstruction, repair, replacement, maintenance, or other changes caused by Grantee. Restoration shall be defined as filling and grading to ground level such disturbed areas adjoining the easement, and seeding them with grass, or resurfacing them to their former condition.

Grantor agrees that Grantor will not construct a building, structure, or improvement, nor will Grantor plant any trees or shrubbery on the Sidewalk Easement without first obtaining the written consent of Grantee. Grantor releases any and all claims to damage arising from or incidental to the exercise of any of the rights and powers granted to Grantee, except as expressly set forth herein.

This Easement shall be binding upon and insure to the benefit of the parties hereto, their heirs, representatives, successors, and assigns.

Grantor:

Sam P. Cannata

Sam P. Cannata

(print or type name)

Manager

(title)

STATE OF OHIO)

COUNTY OF CUYAHOGA)

On this 1ST day of AUGUST, 2022, before me, a Notary Public in and for said County, personally appeared the above-named Sam P. Cannata, who acknowledged that (he/she) did sign the foregoing instrument and that the same is (his/her) free act and deed, personally and as such officer of the limited liability company, and the free act and deed of said limited liability company.

Enzo Cannata

Notary Public

Acting in Cuyahoga County

My Commission Expires: May 19, 2024

Drafted by:

James Sickels

City of Garfield Heights

5407 Turney Rd.

Garfield Hts., OH 44125



ENZO CANNATA
NOTARY PUBLIC
FOR THE
STATE OF OHIO
My Commission Expires
May 19, 2024

The legal form of the within Instrument is hereby approved:

Law Director
City of Garfield Heights, Ohio

Approved by the Council of the City of Garfield Heights, Ohio

By Ordinance No. _____

Passed on _____, 2022

Clerk of Council

ORDINANCE NO.: 86-2022

SPONSORED BY: MAYOR MATTHEW A. BURKE

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO DO ALL THINGS NECESSARY TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), FOR THE MULTI-STREET RECONSTRUCTION & WATERLINE REPLACEMENT – PHASE 8–PROJECT, INCLUDING, BUT NOT LIMITED TO EXECUTING ANY AND ALL APPLICATIONS, AGREEMENTS AND /OR CONTRACTS AS MAY BE REQUIRED BY THE OPWC IN ORDER TO SECURE THE FUNDS REQUESTED, PER THE APPLICATION AS PREPARED BY CITY ENGINEER DAVID KROCK.

WHEREAS, The current condition of waterlines, in the street listing below, meet the replacement requirements of the Cleveland Water Department, and the streets are in need of reconstruction, and storm and sanitary sewer will be repaired as needed, and

WHEREAS, the street locations listed in the Project Fact Sheet attached hereto; will have waterlines replaced, streets reconstructed and storm & sanitary sewer repair as needed, and

WHEREAS, the waterline replacement, storm and sanitary sewer repair, and street reconstruction will improve the health and safety of the residents and businesses in the area, and

WHEREAS, this reconstruction project is eligible for funding through the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Grant Program(s), and

WHEREAS, the City of Garfield Heights wishes to make an application for funding for this project to the Ohio Public Works Commission, and

WHEREAS, the City of Garfield Heights' share of the project would be 70% (\$2,716,000), and the OPWC grant application would be made for 30% (\$1,164,000) of the total estimated costs of \$3,880,000, and

WHEREAS, the City of Garfield Heights' local share match for this project will be funded as identified in the attached Project Fact Sheet through the Cleveland Water Department, Water Fund, and

WHEREAS, through this piece of legislation, the City shall apply for grant funding available to cover the City's portion of the project; in the event the City's cost is not covered by grant funding and the City is required to spend municipal funds or apply for a loan to cover the cost, an additional piece of legislation will be submitted to Council for approval before City funds are expended.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GARFIELD HEIGHTS, OHIO, THAT:

SECTION 1. The Mayor is hereby authorized and directed to do all things necessary to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s), for the Multi-Street Reconstruction & Waterline Replacement – Phase 8 Project, including, but not limited to executing any and all applications, agreements and/or contracts as may be required by the OPWC, in order to secure the funds requested, as prepared by City Engineer, David Krock.

SECTION 2. Council declares this Ordinance to be an emergency measure necessary for the preservation of the public health, safety and welfare; therefore, this Ordinance shall be in full force and effect immediately upon the adoption by Council and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED: _____

APPROVED: _____
MAYOR

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

EFFECTIVE DATE: _____



The City of Garfield Heights

5407 TURNEY ROAD • GARFIELD HEIGHTS, OHIO 44125 • PHONE 216/475-1504
FAX 216/475-3807

Multi-Street Recon - Phase 8

OPWC Submittal

August 4, 2022

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PROJECT FACT SHEET

Name: Multi-Street Reconstruction & Waterline Replacement – Phase 8

Limits:	PROJECT NAME	FROM	TO	LENGTH
	Shady Oak	E 122nd	E 135th	2580 LF
	Henry	Center	Marguite	390 LF
	McCracken	Turney	E 113th	940 LF
	E 93rd	David	Plymouth	670 LF

4 Street Locations 4,580 LF

Scope: Reconstruction of street pavement with pavement repair and asphalt resurfacing. Replacement of existing waterline with new 8" waterline. Work also includes new fire hydrants, valves, reconnection to side streets, and service connections to homes and businesses. Repair of Storm and Sanitary Structures, as necessary. Restoration of all driveways, sidewalks, and lawn areas disturbed by construction.

Costs:

\$ 3,350,000	Construction
\$ 300,000	Engineering
<u>\$ 230,000</u>	Inspection & Testing
\$ 3,880,000	Total Project Cost

Funding:

\$ 2,328,000	60% Funding by CWD (City of Cleveland, Division of Water)
\$ 1,164,000	30% Funding by OPWC (Ohio Public Works Commission)
<u>\$ 388,000</u>	10% Funding by the City of Garfield Heights
\$ 3,880,000	Total Project Funding

The City of Cleveland, Division of Water will be funding most of the project costs in accordance with the Suburban Watermain Replacement Program Agreement.

Schedule:

July 2023	Notification of Award by OPWC
May 2024	Engineering Design & Approvals Complete
July 2024	Public Bidding Complete
Sept 2024	Construction Begins
May 2025	Construction Completed

Other: Streets will be closed with access maintained for Local Traffic.

Questions?