

ORDINANCE NO. 24-092

AN ORDINANCE APPROVING A TEMPORARY EASEMENT GRANTED TO THE CITY BY CEDAR POINT PARK LLC FOR THE CLEVELAND ROAD SAFETY IMPROVEMENT PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the proposed Cleveland Road Safety Improvement Project involves improvements to Cleveland Road (S.R. 6), primarily between Sycamore Line and Remington Avenue, including signal improvements, sidewalks, extending turn lanes and includes construction, environmental, surveying, geotechnical, acquisition, and inspection as well; and

WHEREAS, the City Commission approved and authorized the submission of an application to the Ohio Department of Transportation for financial assistance through the Highway Safety Improvement Program (HSIP) for the Cleveland Road Safety Improvement Project by Resolution No. 013-20R, passed on April 13, 2020, and Resolution No. 001-22R, passed on January 10, 2022; and

WHEREAS, the City Commission approved Professional Design Services agreements with Structurepoint, Inc. of Cleveland, Ohio, for the Cleveland Road Safety Improvement Project by Ordinance No. 21-068, passed on May 10, 2021, and by Ordinance No. 22-067, passed on March 28, 2022, which included right-of-way and acquisition for the project; and

WHEREAS, Cedar Point Park LLC is the owner of property located on Cleveland Road, Parcel No. 57-05026.000, and has granted the City a temporary easement necessary for the Cleveland Road Safety Improvement Project; and

WHEREAS, the fair market land value of the temporary easement is \$910.00 and is being donated to the City by Cedar Point Park LLC; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order for the documents to be fully executed and recorded in a timely manner and to proceed with plans for the project; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission approves a Temporary Easement granted to the City by Cedar Point Park LLC for the purpose of utilizing for the Cleveland Road Safety Improvement Project (PID 114056), substantially in the same form as

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attached to this Ordinance, marked Exhibit “1” and is specifically incorporated if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the City’s public purpose.

Section 2. The City Manager is hereby authorized and directed to execute any contracts or agreements required by the Ohio Department of Transportation and necessary for the temporary easement granted to the City for the Cleveland Road Safety Improvement Project (PID 114056).

Section 3. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 22, 2024

LPA RE 807-D
Rev. 10/2017

TED
LPA

TEMPORARY EASEMENT

Cedar Point Park LLC, a Delaware limited liability company, the Grantor(s), as a GIFT/DONATION, does grant to the City of Sandusky, Ohio, the Grantee, the temporary easement(s) to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 57-T

ERI-6-9.07

SEE EXHIBIT A ATTACHED

Erie County Current Tax Parcel No. 57-05026.000

Prior Instrument Reference: Instrument No. 201410099, Erie County Recorder's Office.

To have and to hold the temporary easement(s), for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement(s) granted to the Grantee is 12 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

The temporary easement(s) interest granted is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

IN WITNESS WHEREOF, Cedar Point Park LLC, a Delaware Limited Liability Company has caused its name to be subscribed by Brian C. Witherow, its duly authorized EVP & CFO, and its duly authorized agent on the 29th day of February, 2024.

Cedar Point Park LLC, a Delaware
Limited Liability Company

By Brian C. Witherow
ITS EVP & CFO

STATE OF Ohio, COUNTY OF Elie SS:

BE IT REMEMBERED, that on the 29th day of February, 2024, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Brian C. Witherow, who acknowledged being the EVP & CFO and duly authorized agent of Cedar Point Park LLC, a Delaware Limited Liability Company, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity. No oath or affirmation was administered to Brian C. Witherow with regard to the notarial act.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



Melissa L. Johnson
Notary Public, State of Ohio
My Commission Expires:
January 21, 2028

Melissa L. Johnson

NOTARY PUBLIC
My Commission expires: 1.21.2028

John Orzech, City Manager
City of Sandusky

Date

Instrument prepared by ORC Associates LLC for the City of Sandusky on a form approved by the Ohio Attorney General's Office.

EXHIBIT A

LPA RX 887 T

gsc
Ver. Date 11/21/2022

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PID 114056

**PARCEL 57-T
ERI-06-09.07**

**TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
CONSTRUCT A DRIVEWAY AND COMPLETE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
"THE CITY OF SANDUSKY, OHIO", ERIE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Erie, City of Sandusky, being located in Lot 10 of John E. Camps' Subdivision of Lot No. 7 West of Railroad and 19 Acres east part of Lot No. 8 of Darling's Survey of Outlots East of Sycamore Line, as recorded in Plat Book 1, Page 16, and being part of that parcel described at Tract 3, Parcel No. 3 in a deed to **Cedar Point Park LLC**, of record in **Record Number 201410099**, all records referenced herein are on file at the Office of the Recorder for Erie County, Ohio, being a parcel on the right side of the centerline of right-of-way for U.S. Route 6 (Cleveland Road, R/W width varies), as delineated on the centerline plat for ERI-06-09.07, said parcel being more particularly bounded and described as follows:

Commencing for reference at a point on the existing south right-of-way line for U.S. Route 6, being the northeast corner of said Cedar Point tract, being on the west line of that tract of land described in a deed to Steven M. Eaton and Denise Eaton, of record in Record Number 201107530, said point being 40.00 feet right of U.S. Route 6 centerline of right-of-way station 167+17.45;

Thence **North 57 degrees 54 minutes 18 seconds West**, along the existing south right-of-way line for said U.S. Route 6 and along the north line of said Cedar Point tract, a distance of **145.01 feet** to a point of curvature, said point being 40.00 feet right of U.S. Route 6 centerline of right-of-way station 165+72.44;

Thence along the arc of a curve to the left, continuing along the existing south right-of-way line for said U.S. Route 6 and continuing along the north line of said Cedar Point tract, said curve having a radius of **3,779.77 feet**, a central angle of **01 degree 02 minutes 36 seconds**, and an arc length of **68.83 feet** to the **TRUE POINT OF BEGINNING** for this description, said point being 40.00 feet right of U.S. Route 6 centerline of right-of-way station 165+02.89, said curve being subtended by a long chord having a bearing of **North 58 degrees 25 minutes 35 seconds West** and a length of **68.82 feet**;

EXHIBIT A

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Thence through said Cedar Point tract along the following three (3) described courses:

1. **South 30 degrees 32 minutes 56 seconds West**, a distance of **13.52 feet** to a point, said point being 53.52 feet right of U.S. Route 6 centerline of right-of-way station 165+03.01;
2. **North 59 degrees 27 minutes 04 seconds West**, a distance of **66.35 feet** to a point, said point being 53.52 feet right of U.S. Route 6 centerline of right-of-way station 164+35.71;
3. **North 30 degrees 32 minutes 56 seconds East**, a distance of **13.52 feet** to a point on the existing south right-of-way line for said U.S. Route 6, being on the north line of said Cedar Point tract, said point being 40.00 feet right of U.S. Route 6 centerline of construction station 164+35.83;

Thence along the arc of a non-tangent curve to the right, along the existing south right-of-way line for said U.S. Route 6 and along the north line of said Cedar Point tract, said curve having a radius of **3,779.77 feet** a central angle of **01 degree 00 minutes 21 seconds**, and an arc length of **66.35 feet** to the **TRUE POINT OF BEGINNING** for this description, said curve being subtended by a long chord having a bearing of **South 59 degrees 27 minutes 04 seconds East** and a length of **66.35 feet**.

The above described temporary easement contains a total area of **0.0207 acres**, all of which is located within Erie County Auditor's parcel number 57-05026.000.

The bearings described herein are based on Grid North, referenced to the Ohio State Plane Coordinate System (North Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

The above described temporary easement was prepared under the direct supervision of Brian P. Bingham, Registered Professional Surveyor No. 8438 on November 21, 2022, is based on an actual survey performed by American Structurepoint, Inc., and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.



Brian P. Bingham, PS

Registered Professional Surveyor No. 8438



8/30/2023
Date