

1. ***Supplemental Land (±33.5 acres) Proposed for Lease to Cleveland Metroparks by The Cleveland Electric Illuminating Company, Ohio & Erie Canal Reservation***  
*(Originating Sources: Vern J. Hartenburg, Executive Director/Patricia Barz, Law Director)*

Background

On December 21, 1995, the Board authorized the Executive Director to execute a lease with The Cleveland Electric Illuminating Company (99-year lease renewable for two consecutive 99-year terms) for ±38.76 acres of land, as illustrated on page 61867. Subsequently, in 1999, Cleveland Metroparks opened the Ohio & Erie Canal Reservation, collectively representing ±258.92 acres, including the ±38.76 acres from The Cleveland Illuminating Company. Since 1999, Cleveland Metroparks has managed the leased property derived from The Cleveland Electric Illuminating Company and other lease and easement donors in a quality manner which has served to restore habitat, reclaim areas previously scarred, and facilitate reintroduction of wildlife and bird species.

☞ Proposed Additional Leased Land (±33.5 acres)

The Cleveland Electric Illuminating Company has agreed to donate by lease an additional ±33.5 acres of adjoining land to become part of the Canal Reservation (reference land shown in crosshatch, page 61867). The proposed land would be managed by Cleveland Metroparks vis-à-vis an amendment to the existing lease. Staff recommends acceptance of the donation, subject to requisite due diligence and approval of the Probate Court pursuant to Chapter 1545 of the Ohio Revised Code (ORC).

Within these additional leased premises, the Cleveland Area Mountain Bike Association (CAMBA) has requested that CEI and Cleveland Metroparks permit the construction of ±5 miles of mountain bike trails that would be available for public use. CEI and Cleveland Metroparks have agreed to permit such construction and use, provided that CAMBA shall exercise reasonable control and monitor off trail use in a manner satisfactory to CEI and Cleveland Metroparks. Such trails shall be constructed and used in accordance with the terms and conditions of a permit from Cleveland Metroparks to CAMBA. Cleveland Metroparks underscores that this portion of the Canal Reservation represents the only location within the Park District evaluated as suitable and accommodating for mountain bike activity.

**No. 06-10-306:**

It was moved by Vice President Ryan, seconded by Vice President Rzepka and carried, to accept the donation of a leasehold interest to ±33.5 acres of land from The Cleveland Electric Illuminating Company, as hereinabove described, subject to the approval of the acceptance by the Probate Court as required by Ohio Revised Code Section 1545.11 and to the approval by the Director of Law and/or Counsel of the environmental condition of the land, survey, and title insurance commitment, including exception to title, as applicable, further, that the Board authorize the Executive Director to execute an amendment to Lease between The Cleveland Electric Illuminating Company and Cleveland Metroparks, together with supplemental instruments related thereto, if any, as deemed necessary or appropriate and in form acceptable to the Director of Law and/or Counsel, to reflect the terms and conditions described above.

Vote on the motion was as follows:

Ayes: Messrs. Ryan and Rzepka.  
 Nays: None.  
 Abstained: Mr. Whitehead.