

# Ordinance No. 889-2019

**Council Members Conwell, Johnson, Brancatelli and Kelley (by departmental request)**

## **AN EMERGENCY ORDINANCE**

Authorizing the Director of Public Works to lease certain properties located at 7345 Broadway Avenue and 680 East 113<sup>th</sup> Street from the Cleveland Metropolitan School District, for a term not less than twenty-five years nor exceed thirty years, for operating the Stella Walsh Recreation Center located on the South High School campus and operating the Glenville-James Hubbard Recreation located on the Glenville High School Campus.

WHEREAS, in the 1960s a Joint Recreation Council of the City of Cleveland and Board of Education existed with the goal of determining the feasibility of jointly locating schools and recreation centers for the mutual benefit of both and the entire community; and

WHEREAS, the City of Cleveland requires legal possession of certain properties located at 7345 Broadway Avenue and 680 East 113<sup>th</sup> Street from the Cleveland Metropolitan School District ("Cleveland Schools"), for repairing and operating the Stella Walsh Recreation Center located on the South High School campus and repairing and operating the Glenville-James Hubbard Recreation located on the Glenville High School Campus; and

WHEREAS, Cleveland Schools has proposed to lease the properties to the City of Cleveland for a term of thirty years; 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 Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to lease from Cleveland Schools portions of certain properties more fully described as follows:

**Lease Parcel (Glenville)  
Across Parcel Nos. 110-01-027, -028, -029, -030, -031, -032, -033, -034, -035 and -037  
1.5147 acres (65,979 Square Feet)**

**Situated** in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original One Hundred Acre Lot No. 363 and all of Sublot Nos. 142, 143, 144, 145, 146, 147, 148, 149 and part of Sublot No. 150 in Lowrie Brothers' Homedale Allotment of part of One Hundred Acre Lot No. 363, as shown by the recorded plat in Volume 28, Page 12 of the Cuyahoga County Map Records. Also being part of the land conveyed to the Board of Education of the Cleveland City School District, being more definitely described as follows;

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**Commencing** at the intersection of the centerline of E. 113<sup>th</sup> Street (50 feet wide) and the centerline of Gray Avenue (40 feet wide);

Thence, along the westerly prolongation of the centerline of Gray Avenue, also being the southerly line of Original 100 Acre Lot No. 363, South 89° 45' 30" West, 50.60 feet to a southeasterly corner of said land conveyed to Board of Education of the Cleveland City School District, and the **True Point of Beginning** for the parcel herein described;

Thence, continuing along the southerly line of Original 100 Acre Lot No. 363, also being the southerly line of said land conveyed to Board of Education of the Cleveland City School District, South 89° 45' 30" West, 54.42 feet;

Thence, leaving the southerly line of Original 100 Acre Lot No. 363, continuing along the southerly and westerly lines of said land conveyed to Board of Education of the Cleveland City School District, the following seven courses;

North 01° 10' 00" West, 47.10 feet;

Thence South 88° 50' 00" West, 80.00 feet;

Thence South 01° 10' 00" East, 27.72 feet;

Thence, along the arc of a curve which deflects to the right, 136.24 feet, said curve having a radius of 187.00 feet, a central angle of 41° 44' 38", and a chord of 133.25 feet which bears North 43° 57' 48" West;

Thence, North 23° 05' 29" West, 28.28 feet;

Thence, North 46° 10' 32" East, 4.01 feet;

Thence, North 12° 12' 00" West, 131.16 feet to a point in the westerly prolongation of the southerly line of the existing building;

Thence, leaving the westerly line of said land conveyed to Board of Education of the Cleveland City School District, along the southerly line of the existing building and it's westerly prolongation, North 88° 51' 12" East, 166.44 feet to a southeasterly corner of the existing building;

Thence, along an easterly line of the existing building and it's northerly prolongation, North 01° 08' 48" West, 31.83 feet to a southerly line of the existing building;

Thence, along said southerly line of the existing building and it's easterly prolongation, North 88° 51' 12" East, 116.79 feet to the westerly right of way of E. 113<sup>th</sup> Street;

Thence, along said westerly right of way of E. 113<sup>th</sup> Street, South 01° 10' 00" East, 287.86 feet to the northerly right of way of Gray Avenue;

Thence, along said northerly right of way of Gray Avenue, South 89° 45' 30" West, 28.35 feet to the westerly right of way of Gray Avenue;

Thence, along said westerly right of way of Gray Avenue, South 08° 59' 41" East, 20.24 feet to the point of beginning.

Containing within said bounds of land 1.5147 acres of land (65,979 square feet) as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in May, 2019.

Bearings are based on Ohio State Plane, North Zone NAD83(2011) Grid North.

## **Lease Parcel (Stella Walsh)**

**Across Parcel Nos. 133-08-045, -046, -047,-077, -078, -079, and -080  
1.9822 Acres (86,345 Square Feet)**

**Situated** in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original One Hundred Acre Lot Nos. 315 and 319 and all of Sublot Nos. 34, 35, 40, 41, 55, 56, 57, 58, 59, 60 and part of Sublot Nos. 36, 37, 38, 39, 42, 43, 54, 61, 62 and 63 in Julia F. Brown's Subdivision of part of Original One Hundred Acre Lot Nos. 315 and 319, as shown by the recorded plat in Volume 11, Page 53 of the Cuyahoga County Map Records and part of vacated Osage Court and E. 76<sup>th</sup> Street as vacated by ordinance 2397-66 and recorded in Volume 199, Page 65 of the Cuyahoga County Map Records. Also

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being part of the land conveyed to the Board of Education of the Cleveland City School District, being more definitely described as follows;

**Beginning** at the intersection of northeasterly right of way of Broadway Avenue (66 feet wide) and the southeasterly right of way of Osage Avenue (40 feet wide);

Thence, along said southeasterly right of way of Osage Avenue, North 47° 57' 35" East, 150.93 feet to the southwesterly right of way of Osage Court (15 feet wide);

Thence, along said southwesterly right of way of Osage Court, South 42° 02' 25" East, 50.00 feet;

Thence, along the southeasterly right of way of Osage Court, North 47° 57' 35" East, 15.00 feet;

Thence, along the northeasterly right of way of Osage Court, North 42° 02' 25" West, 50.00 feet to the southeasterly right of way of Osage Avenue;

Thence, along said southeasterly right of way of Osage Avenue, North 47° 57' 35" East, 160.20 feet to an angle point therein;

Thence, leaving said southeasterly right of way of Osage Avenue, South 12° 16' 26" East, 43.44 feet to a northwesterly corner of the existing building;

Thence, along the existing building lines, the following three courses;

South 00° 50' 01" East, 127.15 feet;

Thence, North 89° 09' 59" East, 214.60 feet;

Thence, South 00° 44' 57" East, 75.26 feet;

Thence, leaving said existing building line, along the centerline of an existing sidewalk, South 60° 55' 33" West, 340.90 feet to the northeasterly right of way of Broadway Avenue;

Thence, leaving said centerline of the existing sidewalk, along said northeasterly right of way of Broadway Avenue, North 42° 19' 37" West, 40.82 feet to an angle point therein;

Thence, continuing along said northeasterly right of way of Broadway Avenue, North 42° 05' 16" West, 213.98 feet to the point of beginning.

Containing within said bounds of land 1.9822 acres of land (86,345 square feet) as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in May, 2019.

Bearings are based on Ohio State Plane, North Zone NAD83(2011) Grid North.

Section 2. That the term of the ground lease or leases authorized by this ordinance shall not be less than 25 years nor exceed thirty years.

Section 3. That the rent for the lease or leases authorized by this ordinance shall not exceed \$1.00 and other valuable consideration which is determined to be fair market value, exclusive of utilities.

Section 4. That the lease or leases may authorize the City to make improvements to the leased premises under terms to be determined by the parties to be consistent with the public purpose or purposes of operating the Stella Walsh Recreation Center located on the South High School campus and operating the Glenville-James Hubbard Recreation located on the Glenville High School Campus.

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Section 5. That the lease or leases shall give exclusive possession of the recreation center buildings to the City whereas the lease or leases shall give non-exclusive possession of the parking lots and grass to the City, to allow for mutual agreement between the parties for shared parking and greenspace.

Section 6. That the lease or leases may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 7. That the costs of the lease or leases shall be paid from funds approved by the Director of Finance.

Section 8. That the lease or leases shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

Section 9. That the Director of Public Works, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease or leases authorized by this ordinance.

Section 10. That this ordinance is 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.

LW:nl  
7-24-19

FOR: Director Cox

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Council Members Conwell, Johnson, Brancatelli and Kelley  
(by departmental request)

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READ FIRST TIME on JULY 24, 2019

and referred to DIRECTORS of Public Works,  
City Planning Commission, Finance, Law;  
COMMITTEES on Municipal Services and Properties, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. 106 Page \_\_\_\_\_

Published in the City Record \_\_\_\_\_

REPORT  
after second Reading

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**MUNICIPAL SERVICES  
AND PROPERTIES**

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**DEVELOPMENT, PLANNING AND  
SUSTAINABILITY**

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**FINANCE**

FILED WITH COMMITTEE

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