

Ordinance No.1082- 2019

Council Member(s) Brancatelli, Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Mayor and the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by Electric Gardens, LLC, or its designee, located at adjacent to West 5th Street and Literary Road for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code.

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 Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Mayor and the Commissioner of Purchases and Supplies are authorized to acquire from and re-convey to, Electric Gardens, LLC, or its designee, for a nominal consideration of one dollar and other valuable consideration determined to be fair market value, the following property for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code and more fully described as follows:

**LEGAL DESCRIPTION
OF
PARCEL "AA"
ELECTRIC GARDENS
P.P.N. 004-32-020
P.P.N. 004-32-021
CITY OF CLEVELAND, OHIO**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being all of Sublot Nos. 847 through 852 and 864 through 878 and part of Sublot Nos. 843 through 846 in the S.S. Stone's Survey of College Tract of part of Original Brooklyn Township Lot No. 87, as shown on the plat recorded in Volume 2, Page 31 of Cuyahoga County Map Records and being part of Railway Street as vacated by the City of Cleveland Ordinance No. 100232 and further bounded and described as follows:

Beginning at a drill hole in a stone found in a monument box at the centerline intersection of Jefferson Avenue S.W. (formerly Franklin Street) (66 feet wide) and West 4th Street (formerly Lawrence Street) (66 feet wide);

Thence North 37°35'29" West along the centerline of West 4th Street, 562.47 feet to a point;

Thence South 52°24'31" West, 33.00 feet to a 5/8" iron pin found on the southerly right of way of West 4th Street at the northeasterly corner of the Re-Subdivision Plat of Bergen Village

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Subdivision as shown on the plat recorded in AFN. 201802280486 of Cuyahoga County Map Records and being the **Principal Place of Beginning** of the premises herein described;

Thence South 52°35'13" West along a northerly line of said Re-Subdivision Plat of Bergen Village Subdivision, 148.27 feet to a 5/8" iron pin found on an easterly line of the Bergen Village Subdivision as shown by the plat recorded in Volume 340, Pages 53-54 of Cuyahoga County Map Records;

Thence North 37°32'51" West along said easterly line of the Bergen Village Subdivision, 395.92 feet to a 5/8" iron pin found;

Thence South 52°35'13" West along a northerly line of said Bergen Village Subdivision, 3.74 feet to a 5/8" iron pin found;

Thence North 08°17'22" East along a northeasterly line of said Bergen Village Subdivision, 5.21 feet to a 5/8" iron pin found;

Thence North 37°32'51" West along an easterly line of said Bergen Village Subdivision and an easterly line of land conveyed to WRA Literary, LLC by the deed recorded in AFN. 201510160459 of Cuyahoga County Deed Records, 118.23 feet to an angle point in said easterly line conveyed to WRA Literary, LLC;

Thence North 81°44'24" West along said easterly line of land so conveyed to WRA Literary, LLC, 15.68 feet to a point on the easterly right of way of Literary Road, S.W. (formerly Literary Street) (60 feet wide);

Thence North 08°15'36" East along the easterly right of way of Literary Road, S.W., 200.31 feet to a 5/8" iron pin found on the northerly right of way of vacated Railway Street (50 feet wide) (Vacated City of Cleveland Ordinance No. 100232);

Thence South 85°19'20" East along said northerly right of way of vacated Railway Street, 20.36 feet to a 5/8" iron pin found on the westerly right of way of said West 4th Street;

Thence South 37°35'29" East along the westerly right of way of West 4th Street, 655.32 feet to the Principal Place of Beginning, containing 2.0767 acres of land as surveyed and described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in July 2019, subject to all legal highways, restrictions, reservations and easements of record.

Deed of Reference:

P.P.N. 004-32-020 & -021

Land described to Electric Gardens, LLC by deed dated July 31, 2018 and recorded in AFN. 201907310658 of Cuyahoga County Deed Records.

Basis of Bearing:

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The centerline of West 5th Street as North 37°29'50" West as shown in the Plat of Lot Split & Consolidation of West 5th Townhomes as recorded in AFN. 201712280555 of Cuyahoga County Map Records.

July 26, 2019

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the properties and to employ and to cause Electric Gardens, LLC, or its designee, to pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition and sale of the properties.

Section 3. That this Council finds the conveyances are in compliance with Section 5709.41(B)(1) of the Revised Code and the proposed improvements constitute and are declared a public purpose under said section and the subject property is located in a blighted area of an impacted City as required by Section 5709.41 of the Revised Code.

Section 4. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor and the Commissioner of Purchases and Supplies on behalf of the City of Cleveland.

Section 5. 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.

RB:nl
9-9-19

FOR: Director Ebersole

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REPORT
after second Reading

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READ FIRST TIME on SEPTEMBER 9, 2019 **REPORTS**
and referred to DIRECTORS of Economic Development, City Planning Commission, Finance, Law;
COMMITTEES on Development Planning and Sustainability, Finance

CITY CLERK

by the council **READ SECOND TIME**

CITY CLERK

by the council **READ THIRD TIME**

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ Page _____
Published in the City Record _____

PASSAGE RECOMMENDED BY
COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

