

# Ordinance No. 545-2020

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

## AN EMERGENCY ORDINANCE

Authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use and located along West 73<sup>rd</sup> Street to Battery Park North, LLC, or its designee, for redevelopment; and authorizing the acquisition and recording of certain easement interests from Battery Park North, LLC for the public purpose of implementing a Battery Park neighborhood public improvement.

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WHEREAS, the Director of Capital Projects has requested the sale of City-owned property located along West 73<sup>rd</sup> Street near Father Frascati Drive to Battery Park North, LLC or its designee (the “Redeveloper”), for construction of a new apartment development between West 70<sup>th</sup> Street and West 73<sup>rd</sup> Street and that such property is not needed for the City’s public use; and

WHEREAS, the City wishes to acquire an easement from the Redeveloper within the development area for a tree lawn along West 73<sup>rd</sup> Street for a Battery Park neighborhood public improvement in the redevelopment area; 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 Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following described property is no longer needed for the City’s public use:

**March 6, 2020  
LEGAL DESCRIPTION:  
Lot Split Out Of  
PPN 002-06-035  
Purchase Area 1 (0.0144 Acres)**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, being part of Original Brooklyn Township Lot 31, and being part of land conveyed to City of Cleveland and shown as Block A on the Dedication, Lot Split, and Consolidation Plat recorded as AFN 201904170125 of Cuyahoga County Records, (PPN 002-06-035), further described as follows:

Beginning at a 1 inch iron pin in a monument box at the intersection of the centerline of Father Frascati Avenue (width varies) with the centerline of West 73<sup>rd</sup> Street (formerly Ramsey Street – 50 feet wide);

Thence South 00°08’44” West, along the centerline of West 73<sup>rd</sup> Street, 71.16 feet;

Thence leaving the centerline of said West 73<sup>rd</sup> Street, South 89°51’16” East, 25.00 feet to a drill hole found in the easterly right of way thereof, and being a northwesterly corner of land conveyed to Battery Park Development by AFN 201908090626 of Cuyahoga County Records (PPN 002-06-038), and shown as Lot 2 of the Plat of Lot Split and Consolidation recorded as AFN 201908090596 of Cuyahoga County Records;

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Thence South 89°51'13" East, along a northerly line of said Lot 2 of Battery Park Development, 1.05 feet to a 5/8 inch iron pin (Id: Polaris) set therein and the Principal Place of Beginning of the following described parcel:

- COURSE 1** Thence North 00°08'44" East, along a new division line, 58.87 feet to a 5/8 inch iron pin (Id: Polaris) set;
- COURSE 2** Thence North 89°51'16" West, along a new division line, 1.05 feet to a 5/8 inch iron pin (Id: Polaris) set in the easterly right of way of said West 73rd Street;
- COURSE 3** Thence North 00°08'44" East, along the easterly right of way of said West 73rd Street, 25.00 feet to a 5/8 inch iron pin (Id: Polaris) set therein; in the westerly line of said Lot 2 of Battery Park Development;
- COURSE 4** Thence South 89°51'16" East, along a new division line, 8.36 feet to a 5/8 inch iron pin (Id: Polaris) set in the westerly line of said Lot 2 of Battery Park Development;
- COURSE 5** Thence South 00°22'24" West, along the westerly line of said Lot 2 of Battery Park Development, 83.88 feet to a 5/8 inch iron pin (Id: Polaris) found at an angle point therein;
- COURSE 6** Thence North 89°51'13" West, along a northerly line of said Lot 2 of Battery Park Development, 6.98 feet to the Principal Place of Beginning, and containing 0.144 acres (625 square feet) of land, based on a survey performed in March, 2020 by Michael P. Spellacy P.S. 8169 of Polaris Engineering and Surveying Inc., subject to all legal highways and easements of record. The bearings used are based on the Ohio Coordinate System of 1983 – North Zone, 1986 Adjustment, and all iron pins set are 5/8 inch by 30 inch long rebar capped "Polaris". The intent of this instrument is to describe a lot split of 0.144 acres out of PPN 002-06-035.

**March 6, 2020**  
**LEGAL DESCRIPTION:**  
**Lot Split Out Of**  
**PPN 002-06-035**  
**Purchase Area 2 (0.0201 Acres)**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, being part of Original Brooklyn Township Lot 31, and being part of land conveyed to City of Cleveland and shown as Block A on the Dedication, Lot Split, and Consolidation Plat recorded as AFN 201904170125 of Cuyahoga County Records, (PPN 002-06-035), further described as follows:

Beginning at a 1 inch iron pin in a monument box at the intersection of the centerline of Father Frascati Avenue (width varies) with the centerline of West 73rd Street (formerly Ramsey Street – 50 feet wide);

Thence South 00°08'44" West, along the centerline of West 73rd Street, 71.16 feet;

Thence leaving the centerline of said West 73rd Street, South 89°51'16" East, 25.00 feet to a drill hole found in the easterly right of way thereof, and being a northwesterly corner of land conveyed to Battery Park Development by AFN 201908090626 of Cuyahoga County Records (PPN 002-06-038), and shown as Lot 2 of the Plat of Lot Split and Consolidation recorded as AFN 201908090596 of Cuyahoga County Records;

Thence South 89°51'13" East, along a northerly line of said Lot 2 of Battery Park Development, 8.03 feet to a 5/8 inch iron pin (Id: Polaris) found at an angle point therein;

Thence North 00°22'24" East, along a northerly line of said Lot 2 of Battery Park Development, 149.09 feet to a 5/8 inch iron pin (Id: Polaris) found at an angle point therein, and the Principal Place of Beginning of the following described parcel:

- COURSE 1** Thence North 05°55'02" East, along a new division line, 47.93 feet to a 5/8 inch iron pin (Id: Polaris) set;
- COURSE 2** Thence North 19°00'59" East, along a new division line, 33.72 feet to a 5/8 inch iron pin (Id: Polaris) set;
- COURSE 3** Thence North 47°18'22" East, along a new division line, 30.06 feet to a 5/8 inch iron pin (Id: Polaris) set in the westerly line of said Lot 2 of Battery Park Development;

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- COURSE 4** Thence South 25°05'39" West, along the westerly line of said Lot 2 of Battery Park Development, 41.42 feet to a 5/8 inch iron pin (Id: Polaris) found at an angle point therein;
- COURSE 5** Thence South 12°20'21" West, along the westerly line of said Lot 2 of Battery Park Development, 41.20 feet to a 5/8 inch iron pin (Id: Polaris) found at an angle point therein;
- COURSE 6** Thence South 27°40'41" West, along the westerly line of said Lot 2 of Battery Park Development, 25.35 feet to the Principal Place of Beginning, and containing 0.201 acres (874 square feet) of land, based on a survey performed in March, 2020 by Michael P. Spellacy P.S. 8169 of Polaris Engineering and Surveying Inc., subject to all legal highways and easements of record. The bearings used are based on the Ohio Coordinate System of 1983 – North Zone, 1986 Adjustment, and all iron pins set are 5/8 inch by 30 inch long rebar capped "Polaris". The intent of this instrument is to describe a lot split of 0.0201 acres out of PPN 002-06-035.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Redeveloper at a price not less than \$45,596.27, and other valuable consideration, which is determined to be fair market value.

Section 3. That the purchase payment will be deposited into the General Fund.

Section 4. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Director of Capital Projects on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 5. That notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire and record certain easement rights from the Redeveloper, for the Mayor's Office of Capital Projects, for the purpose of a tree lawn for public access along West 73rd Street as a Battery Park neighborhood public improvement and more fully described as follows:

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**February 11, 2020**  
**LEGAL DESCRIPTION:**  
**Purchase Area 3 – From P.P.N. 002-06-038**  
**243 S.F. - 0.0056 Acres**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, being part of Original Brooklyn Township Lot 31, and being part of land conveyed to Battery Park Development LLC, by AFN 201908090596 of Cuyahoga County Records, (PPN 002-06-038), and further described as follows:

Beginning at the northwest corner of Lot 3 on the plat of lot split recorded as AFN 201908090596 of Cuyahoga County Records, (PPN 002-06-039), said point being in the easterly right of way of West 73<sup>rd</sup> Street (formerly Ramsey Street – 50 feet wide) and the Principal Place of Beginning:

- COURSE 1** Thence North 00°08'44" East along the easterly right of way of said West 73<sup>rd</sup> Street, 230.56 feet to the southwest corner of Block A of the Plat of Dedication, Lot Split, and Consolidation recorded as AFN 201904170125 of Cuyahoga County Records, (PPN 002-06-035);
- COURSE 2** Thence South 89°50'53" East along the southerly line of said land conveyed to the City of Cleveland, 1.05 feet to a point therein;
- COURSE 3** Thence South 00°08'44" West, 230.55 feet to the northerly line of said land conveyed to the City of Cleveland (PPN 002-06-039);
- COURSE 4** Thence South 89°34'08" West along the northerly line of said City of Cleveland (PPN 002-06-039), 1.05 feet to the easterly right of way of said West 73<sup>rd</sup> Street and the Principal Place of Beginning, and containing 0.0056 acres of land.

Section 6. That the cost of the acquiring the easement rights shall be \$7,391.52, and other valuable consideration, determined to be fair market value. The purchase price, appraisal, title, escrow, and all other costs incurred in acquiring and recording the easement interests shall be paid from the fund or funds deemed appropriate by the Director of Finance.

Section 7. That the Director of Capital Projects is authorized to enter into one or more agreements or execute any documents necessary to effectuate the real estate transactions authorized in this ordinance.

Section 8. 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.

SM:nl  
7-1-20  
FOR: Director Spronz

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

## AN EMERGENCY ORDINANCE

Authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use and located along West 73<sup>rd</sup> Street to Battery Park North, LLC, or its designee, for redevelopment; and authorizing the acquisition and recording of certain easement interests from Battery Park North, LLC for the public purpose of implementing a Battery Park neighborhood public improvement.

READ FIRST TIME on JULY 1, 2020

and referred to DIRECTORS of Capital Projects,  
City Planning Commission, Finance, Law;  
COMMITTEES on Municipal Properties and Services,  
Development Planning and Sustainability, Finance

REPORTS

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CITY CLERK

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READ SECOND TIME

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READ THIRD TIME

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PRESIDENT

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CITY CLERK

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APPROVED

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MAYOR

Recorded Vol. **107** 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**

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