

Ordinance No. 946-2021

By Council Members Gray, Bishop, 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 the City's public use located north of Otter Avenue between East 81st Street and East 83rd Street to Rid-All Foundation, Inc., for purposes of conducting urban farming operations and training programs; and authorizing the Director of Public Works to terminate existing Lease No. CT 0103, NF 2019-24 for this property.

WHEREAS, under Ordinance No. 1411-17, passed December 4, 2017, this Council authorized the Director of Public Works to enter into Lease Agreement No. CT 0103, NF 2019-24 ("Lease") with Rid-All Foundation, Inc. ("Rid-All") for the use and occupancy of City-owned property located north of Otter Avenue between East 81st Street and East 83rd Street, Permanent Parcel No. 126-27-028, for purposes of conducting urban farming operations and training programs; and

WHEREAS, the Director and Rid-All desire to terminate the Lease and sell the property currently under the Lease, which is no longer needed for the City's public use, to Rid-All; 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:

Sale of Surplus Land to Rid-All Foundation, Inc.
Legal Description
Permanent Parcel No. 126-27-028

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot Nos. 264 and 265 in the Gill, Brainard, Hower and Higbies Subdivision as shown in the recorded plat, Volume 5, Page 37 of Cuyahoga County Map Records, being part of Sublot Nos. 38, 39 and 40 in the William Brooker Subdivision as shown in the recorded plat, Volume 5, Page 56 of Cuyahoga County Map Records, being part of Sublot Nos. 33, 34, 40, 41, 47 and 48 in the Walker and Betts Subdivision as shown in the recorded plat Volume 11, Page 21 of Cuyahoga County Map Records and being a part of East 82 Street as vacated by City of Cleveland Ordinance Number 45532, all of which are part of Original One Hundred Acre Lot No. 423, further described as follows:
Being a 1.4292 acre parcel of land known as Parcel "A" in the Consolidation Plat prepared for The City of Cleveland, Ohio as shown in the recorded plat, Volume 365, Page 36 of Cuyahoga County Map Records, be the same more or less and subject to all legal highways.

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Section 2. That by and at the direction of the Board of Control, the Mayor and the Commissioner of Purchases and Supplies are authorized to sell the above-described property to Rid-All at the appraised value of \$34,000, which is determined to be fair market value.

Section 3. 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. 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 City's interests and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 4. That the Director of Public Works is authorized to execute any documents as may be necessary to effectuate the purposes of this ordinance, including, without limitation, a termination of Lease.

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.

LW:nl
10-25-2021
FOR: Director Cox

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READ FIRST TIME on OCTOBER 25, 2021

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

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **108**

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Published in the City Record _____

REPORT
after second Reading

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

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

