

Ordinance No. 841-2021

By Council Members Conwell, 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 located at 10700 Churchill Avenue to the The NRP Group LLC, or its designee, for purposes of implementing the future Churchill Gateway project; and authorizing retaining an easement and entering into an easement agreement for the public purpose of vehicular and pedestrian access.

WHEREAS, the Director of Community Development has requested the sale of City-owned property, formerly the Harry E. Davis School, to The NRP Group LLC, or its designee, (the “Redeveloper”) no longer needed for the City’s public use and located at 10700 Churchill Road on the corner of East 105th Street and Churchill Avenue, for purposes of implementing the future Churchill Gateway project; 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:

CHURCHILL GATEWAY DEVELOPMENT
Legal Description
Lot Split Parcel A

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, known as being part of Original One Hundred Acre Lot No.386, further known as being a lot split parcel out of part of land conveyed to the Board of Education of the Cleveland City School District (Combined P.P.N. 120-01-060) and being part of sublot 15, all of sublot 16, and part of sublot 17 of The Phillips Subdivision as shown by plat recorded in volume 19, page 23 of Cuyahoga County Map Records, and part of sublots 133 through 140, and part of sublot 144 of the J.H. Wade Et. Al. Re-Subdivision as shown by plat recorded in volume 33, page 18 of Cuyahoga County Map Records;

Beginning at the intersection of the easterly right of way of East 105th Street (formerly Doan Street - 60 feet wide) with the southerly right of way of Churchill Avenue (formerly Churchill Street - 45 feet wide);

Thence North 88°56'13" East, along the southerly right of way of Churchill Avenue, 556.56 feet to a 5/8 inch iron pin (Id: Polaris) set therein, being 11.47 feet easterly of the northwesterly corner of sublot 15 of said Phillips Subdivision and being the northeasterly corner of Parcel B of a lot split shown by plate recorded as AFN _____ of Cuyahoga County Records and the Principal Place of Beginning:

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- COURSE 1 North 88°56'13" East, continuing along the southerly right of way of Churchill Avenue, 60.00 feet to a 5/8 inch iron pin (Id: Polaris) set therein, being 1.46 feet easterly of the northeasterly corner of subplot 16 of said Phillips Subdivision and being the northwesterly corner of Parcel C of said lot split;
- COURSE 2 Thence South 01 °04'06" East, along a new division line, being the westerly line of said Parcel C, 307.12 feet to 5/8 inch iron pin (Id: Polaris) set at the southwesterly corner thereof, being in the northerly right of way of Orville Avenue (formerly Orville Street - 60 feet wide), and being 24.93 feet westerly from the southeasterly corner of subplot 133 of said J.H. Wade Et. Al. Re-Subdivision;
- COURSE 3 Thence South 88°55'54" West, along the northerly right of way of Orville Avenue, 428.07 feet to the southeasterly corner of a parcel of land conveyed to the City of Cleveland Land Reutilization Program by AFN 201408140371 of Cuyahoga County Records (PPN 120-01-095) being the southeasterly corner of subplot 141 of said J.H. Wade Et. Al. Re-Subdivision and witnessed by a 5/8 inch iron pin found 0.12 feet north and 0.50 feet east;
- COURSE 4 Thence North 00°46'52" West, along the easterly lines of sublots 141, 142, and 143 of said J.H. Wade Et. Al. Re-Subdivision, 153.62 feet to 5/8 inch iron pin (Id: Polaris) set therein;
- COURSE 5 Thence North 88°57'37" East, along a new division line, 367.30 feet to 5/8 inch iron pin (Id: Polaris) set;
- COURSE 6 Thence North 01 °04'06" West, along a new division line, 153.69 feet to the Principal Place of Beginning and containing 1.7189 acres of land (74,877 square feet), as surveyed in June 2021 by Richard A. Thompson Jr. P.S. No. 7388 of Polaris Engineering and Surveying, Inc., be the same, more or less, but subject all legal highways and easements of record. The intent of this instrument is to describe Lot Split A of the Plat of Lot Split recorded as AFN _____ of Cuyahoga County Records.

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 fair market value as determined by the Board of Control taking into account restrictions for affordable housing. The City will enter into an easement agreement with the Redeveloper to retain an ingress and egress easement over a portion of the property.

Section 3. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor 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

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

Section 4. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, for the public purpose of providing vehicular and pedestrian access in the redevelopment area, the Commissioner of Purchases and Supplies is authorized to acquire certain right-of-way easement interests at no cost to the City and the Director of Community Development is authorized to enter into an easement agreement with the Redeveloper and to acquire and record the ingress and egress easement agreement. The easement area is more fully described as follows:

Legal Description Access Easement

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, known as being part of Original One Hundred Acre Lot No.386, further known as being an access easement over part of Parcel A of a lot split shown by plat recorded as AFN _____ of Cuyahoga County Records;

Beginning at the intersection of the easterly right of way of East 105th Street (formerly Doan Street – 60 feet wide) with the southerly right of way of Churchill Avenue (formerly Churchill Street - 45 feet wide);

Thence North 88°56'13" East, along the southerly right of way of Churchill Avenue, 556.56 feet to the northeasterly corner of Parcel B of a lot split shown by plat recorded as AFN _____ of Cuyahoga County Records and the **Principal Place of Beginning**:

COURSE 1 North 88°56'13" East, continuing along the southerly right of way of Churchill Avenue, 60.00 feet to the northwesterly corner of Parcel C of a lot split shown by plat recorded as AFN _____ of Cuyahoga County Records;

COURSE 2 Thence South 01°04'06" East, along the westerly line of said Parcel C, 307.12 feet to the southwesterly corner thereof, being in the northerly right of way of Orville Avenue (formerly Orville Street – 60 feet wide);

COURSE 3 Thence South 88°55'54" West, along the northerly right of way of Orville Avenue, 60.00 feet to the southerly extension of the easterly line of said Parcel B;

COURSE 4 Thence North 01°04'06" West, along the southerly extension and the easterly line of said Parcel B, 307.13 feet to the **Principal Place of Beginning** and containing 0.4230 acres of land (18,428 square feet), as calculated and described in August, 2021 by Michael P. Spellacy P.S. No. 8169 of Polaris Engineering and Surveying, Inc., be the same, more or less, but subject all legal highways and easements of record. The intent of this instrument is to describe an access easement over part of Parcel A of a lot split shown by plat recorded as AFN _____ of Cuyahoga County Records.

Section 5. That the Director of Community Development is authorized to execute any documents as may be necessary to effectuate the purposes of this ordinance.

Section 6. 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.

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REPORT
after second Reading

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

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READ FIRST TIME on SEPTEMBER 27, 2021

REPORTS

and referred to DIRECTORS of Community Development,
City Planning Commission, Finance, Law;
COMMITTEES on Development Planning and Sustainability, Finance

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **108** 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

