

# Ordinance No. 891-2019

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

## **AN EMERGENCY ORDINANCE**

Authorizing the Commissioner of Purchases and Supplies to sell a portion of City-owned property no longer needed for public use located in the area of Columbus Road to The Sherwin-Williams Company, or its designee, for purposes of providing an access drive to its Breen Technology Center.

WHEREAS, under construction of the Towpath Trail Stage 4 project, an existing access drive from Columbus Road to The Sherwin-Williams Breen Technology Center needs to be relocated; and

WHEREAS, the Director of Public Works has requested the sale of a portion of City-owned property to The Sherwin-Williams Company, or its designee (the "Redeveloper") no longer needed for the City's public use and located in the vicinity of Columbus Road for purposes of providing an access drive to its Breen Technology Center; 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, which is a portion of Permanent Parcel No. 101-20-002, is no longer needed for the City's public use:

City of Cleveland PPN 101-20-002  
Parcel A  
0.0825 Acre

**Situated** in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot No. 206. Also being part of Parcel F of the land conveyed to City of Cleveland as recorded in Volume 90-2362, Page 4 of the Cuyahoga County Records, being more definitely described as follows:

**Commencing** at a 1" iron pin in a monument box found at the intersection of the centerline of Columbus Road (54 feet 4 3/4" wide) and the centerline of West Avenue (50 feet wide);

Thence, along the centerline of Columbus Road, North 11 degrees 18 minutes 53 seconds East, 134.25 feet to the southwesterly corner of Parcel B of land conveyed to Sherwin Williams Company as recorded in Volume 89-2228, Page 18 of the Cuyahoga County Records;

Thence, leaving said centerline, along Sherwin Williams Company's southerly line the following three courses;

North 77 degrees 57 minutes 39 seconds East, 109.60 feet;

Thence, South 21 degrees 22 minutes 46 seconds East, 5.18 feet;

Thence, North 70° 12' 47" East, 21.43 feet to an iron pin set at the **True Point of Beginning** for the parcel herein described;

Thence, continuing along Sherwin Williams Company's southerly line, North 70° 12' 47" East, 55.88 feet to an iron pin set at the northwesterly corner of Parcel 1 of land conveyed to Sherwin Williams Company as recorded in Volume 87-7050, Page 10 of the Cuyahoga County Records;

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Thence, along Sherwin Williams Company's westerly line, South 32° 02' 08" East, 14.44 feet to an iron pin set;

Thence, leaving said westerly line, South 52° 53' 21" West, 34.58 feet to an iron pin

set; Thence, South 35° 37' 21" East, 15.92 feet to an iron pin set;

Thence, South 22° 30' 41" West, 72.96 feet to an iron pin set in the easterly line of Parcel One in Lot Split Plat as recorded in Volume 309, Page 24 of the Cuyahoga County Map Records;

Thence, along the easterly line of said Parcel One, North 21° 22' 46" West, 67.68 feet to an iron pin

set; Thence, leaving said easterly line, North 18° 42' 33" East, 33.26 feet to the point of beginning.

Containing within said bounds 0.0825 acre (3,593 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January 2016 – April, 2017.

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

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 the appraised value of \$143,720, 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 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.

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.

GK:nl  
7-24-19

FOR: Director Cox

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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

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CITY CLERK

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READ SECOND TIME

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CITY CLERK

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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. **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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