

# Ordinance No. 1540-2019

Council Member(s) McCormack, Brancatelli  
and 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 Tinnerman Lofts, LLC, or its designee, located at 2048 Fulton Avenue 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, Tinnerman Lofts, 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:

007-05-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 49 to 60 inclusive in Sargent and Dixon's Re-Subdivision of part of Original Brooklyn Township Lot No. 52, as shown by the recorded plat in Volume 2 of Maps, Page 43 of Cuyahoga County Records, and part of Sublot No. 312 in Barber and Lord's Allotment of part of Original Brooklyn Township Lots Nos. 51, 52, 69 and 70, as shown by the recorded plat in Volume 11 of Maps, Page 26 of Cuyahoga County Records and part of China Court, S.W., as vacated by City Ordinance No. 188-47 and that part of Vinton Avenue, S.W., as vacated by City Ordinance No. 1383-41 and Vinton Court, S.W., as vacated by City Ordinance No. 678-42, the northerly 12 feet of Japan Court, S.W., as vacated by City Ordinance No. 1654-42 and part of Original Brooklyn Township Lot No. 52, bounded and described as follows:

Beginning at a point in the southwesterly line of Fulton Road, S.W., distance North 25° 30' 00" west, 17-83/100 feet from the most easterly corner of said Sublot No. 312 in the Barber and Lord's Subdivision which point is distant 25° 30' 00" east, 244-78/100 feet from the intersection of the southwesterly line of Fulton Road, S.W., with the southeasterly line of Lorain Avenue;

Thence South 64° 30' 00" west along the southeasterly line of Parcel No. 2 of premises conveyed to The Tinnerman Products, Inc., by deed recorded in Volume 5043, Page 628 of Cuyahoga County Records, 106-00/100 feet to the most southerly corner of said Parcel No. 2;

Thence South 25° 30' 00" east parallel with the southwesterly line of Fulton Road, S.W., 17-50/100 feet to the northwesterly line of the said Sargent and Dixon's Subdivision;

Thence North 64° 30' 00" east, along the northwesterly line of said Sargent and Dixon's Subdivision, 1-28/100 feet to the intersection of the northeasterly line of Japan Court, S.W., vacated by the City of Cleveland by Ordinance No. 1565-42 and in the northwesterly line of said Sargent and Dixon's Subdivision;

Thence South 25° 28' 20" east, along the northeasterly line of said Japan Court, S.W., now vacated 12-00/100 feet;

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Thence South 64° 30' 00" west, parallel with the northwesterly line of the said Sargent and Dixon's Subdivision, 10-00/100 feet to the southwesterly line of Japan Court, S.W.;

Thence South 25° 28' 20" east, along the southwesterly line of Japan Court, S.W., 393-46/100 feet to the northwesterly line of Chatham Avenue, S.W.;

Thence South 64° 30' 20" west, along the northwesterly line of Chatham Avenue, S.W., 104-97/100 feet to the northeasterly line of West 36th Street;

Thence North 25° 28' 20" west along the northeasterly line of West 36th Street, 306-20/100 feet to the easterly line of West 37th Place;

Thence North 2° 53' 40" west along the easterly line of West 37th Place, 107-50/100 feet to the northwesterly line of said Sargent and Dixon's Subdivision which is also the northwesterly line of Vinton Court, S.W., vacated by the City of Cleveland by Ordinance No. 678-42;

Thence South 64° 30' 00" west along the northwesterly line of said Sargent and Dixon's Subdivision, 1-49/100 feet to the southwesterly corner of Parcel No. 3 of premises conveyed to the Tinnerman Products, Inc., by deed recorded in Volume 5043, Page 628 of Cuyahoga County Records;

Thence North 2° 55' 00" west along the westerly line of said Parcel No. 3, 121-37/100 feet to the northwesterly corner of said parcel, which point is in the southerly line of an alley described in Common Pleas Court of Cuyahoga County Case No. 34171, Volume 342, Page 296 of Common Pleas Court Records;

Thence North 87° 05' 00" east along the southerly line of said alley, 35-00/100 feet to the northeasterly corner of said Parcel No. 3, conveyed to the Tinnerman Products, Inc., as aforesaid;

Thence South 14° 38' 10" east along the northeasterly line of said Parcel No. 3, 4-02/100 feet to the northwesterly line of Parcel No. 1 of premises conveyed to the Tinnerman Products, Inc., by deed recorded in Volume 5043, Page 628 of Cuyahoga County Records;

Thence North 64° 30' 00" east along the northwesterly line of said Parcel No. 1, 101-74/100 feet to the southwesterly line of Fulton Road, S.W.;

Thence South 25° 30' 00" east along the southwesterly line of Fulton Road, S.W., 77-17/100 feet to the place of beginning and being further known as all of Sublot No. 1 in Tinnerman Products, Inc Resubdivision to the survey dated February 1949, of Charles W. Root, Registered Professional Engineer and Surveyor, be the same more or less, but subject to all legal highways.

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 Tinnerman Lofts, 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.

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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.

SMA:nl  
12-2-19

FOR: Director Ebersole

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READ FIRST TIME on December 2, 2019  
and referred to DIRECTORS of Economic Development, Finance, Law;  
COMMITTEES on Development Planning and Sustainability, Finance

### REPORTS

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CITY CLERK

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READ SECOND TIME  
by the council \_\_\_\_\_

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CITY CLERK

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READ THIRD TIME  
by the council \_\_\_\_\_

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PRESIDENT

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CITY CLERK

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APPROVED

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MAYOR

Recorded Vol. \_\_\_\_\_ Page \_\_\_\_\_  
Published in the City Record \_\_\_\_\_

## REPORT after second Reading

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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