

Ordinance No. 560-2019

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

AN EMERGENCY ORDINANCE

To amend Sections 1, 2, and 6 of Ordinance No. 1570-14, passed December 8, 2014, relating to a Tax Increment Financing Agreement with Gateway Huron, LLC, or its designee to provide funding for the NuCLEus redevelopment project.

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 Sections 1, 2, and 6 of Ordinance No. 1570-14, passed December 8, 2014, are amended to read as follows:

Section 1. That the improvements to be constructed by Gateway Huron, LLC, or its designee, ("Redeveloper"), ~~as more fully described in File No. 1570-14-A ("Improvements")~~ on the Real Property, are declared to be a public purpose for purposes of Section 5709.41 of the Revised Code (the "Improvements"). The Real Property is more fully described as follows:

(PPN: 101-28-012)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot No. 102 and bounded and described as follows:

Beginning in the Southerly line of Prospect Street at a stone planted upon the westerly side of an alley 12 feet in width running from Prospect Street to Huron Street;

Thence Westerly along said Southerly line of Prospect Street 54 feet;

Thence Southerly at right angles to Prospect Street 148 feet;

Thence Southerly at right angles to Huron Street and High Alley or Street, so-called, about 8 feet to the Northerly line of said High Alley;

Thence Easterly along said Northerly line of said High Alley to the Westerly line of said first mentioned alley;

Thence Northerly along said Westerly line of said first mentioned alley, 134 feet 11 inches, more or less to the place of beginning, and being further known as all of Sublot No. 7 in the Subdivision of the Samuel Cowles Estate, comprised of part of Original Two Acre Lots Nos. 101, 102, 103, and 104, as recorded in Volume 30, Page 540 of Cuyahoga County Deed Records; excepting, however, from the above described premises so much from of the Southerly side thereof as has been appropriated by the City of Cleveland for widening High Street by proceedings in the Court of Insolvency of Cuyahoga County, Ohio recorded in Volume 1, Page 324 of the Records of said Court Together with the Northerly half of High Street adjacent to the above described premises as vacated by Ordinance No. 1423-95 passed by the Council of the City of Cleveland on September 25, 1995, and as shown by the Vacation Plat recorded in Volume 281 of Maps, Page 19 of Cuyahoga County Records.

Ordinance No. 560-2019

(PPN: 101-28-029)

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Two Acre Lot No. 102 and part of Sublot No. 20 in the Subdivision of the Samuel Cowles' Estates, comprised of part of Original Two Acre Lots Nos. 101, 102, 103 and 104, as shown by the recorded plat in Volume 30 of Deeds, Page 541 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Northerly line of Huron Road, S.E., as established by City Ordinance No. 41329, passed April 27, 1903, at its point of intersection with the Westerly line of East 6th Street, (formerly Prospect Alley);

Thence Northerly along said Westerly line of East 6 Street, 125-50/100 feet to the Southerly line of High Avenue, S.E., as established by the Appropriation proceedings recorded in Volume 1, Page; 324 of the Appropriation Records of the Insolvency Court of Cuyahoga County;

Thence Westerly along said Southerly line of High Avenue, S.E., 54 feet to the Westerly line of said Sub lot No. 20;

Thence Southerly along said Westerly line of Sublot No. 20, 125-50/100 feet to said Northerly line of Huron Road, S.E.;

Thence Easterly along said Northerly line of Huron Road, S.E., 54 feet to the place of beginning, as appears by said plat.

Together with the Southerly half of High Street adjacent to the above described premises as vacated by Ordinance No. 1423-95 passed by the Council of the City of Cleveland on September 25, 1995, and as shown by the Vacation Plat recorded in Volume 281 of Maps, Page 19 of Cuyahoga County Records.

(PPN: 101-28-030)

Situated in the County of Cuyahoga in the State of Ohio and in the City of Cleveland and bounded and described as follows:

Known as being part of Sub Lots Nos. 21 and 22 in the Subdivision of the Samuel Cowles' Estate, comprised of part of Original Two Acre Lots Nos. 101, 102, 103 and 104, as shown by the recorded plat in Volume 30 of Deeds, Page 540 of Cuyahoga County Records, and also part of Huron Street vacated by City Ordinance No. 41,329, and together forming a parcel of land bounded and described as follows:

Beginning on the Northerly line of Huron Road, S.E. (formerly Huron Street) , as established by City Ordinance No. 41329, passed April 27, 1903, at the Southwesterly corner of land conveyed to Newton S. Calhoun by Deed dated December 3, 1921, and recorded in Volume 2407, Page 550 of Cuyahoga County Records;

Thence Northerly along the Westerly line of land so conveyed to Newton S. Calhoun and along the Westerly line of land conveyed to Newton S. Calhoun by Deed dated August 26, 1915, and recorded in Volume 1712, Page 5 of Cuyahoga County Records, about 125 50/100 feet to the Southerly line of High Avenue, S.E., (formerly High Street), as established by Appropriation proceedings recorded in Volume 1, Page 324 of the Appropriation Records of the Court of Insolvency of Cuyahoga County;

Ordinance No. 560-2019

Thence Westerly along said Southerly line of High Avenue, S. E., (formerly High Street), about 90 feet to the Northwesterly corner of land conveyed to Edward Hessenmueller by Deed dated April 15, 1858, and recorded in Volume 97, Page 31 of Cuyahoga County Records;

Thence Southerly along said Westerly line of land so conveyed to Edward Hessenmueller and along the Southerly prolongation thereof, about 125 50/100 feet to the Northerly line of Huron Road, S.E., as established by said City Ordinance No. 41,329;

Thence Easterly along said Northerly line of Huron Road, S.E., about 90 feet to the place of beginning:

Together with the Southerly half of High Street adjacent to the above described premises as vacated by Ordinance No. 1423-95 passed by the Council of the City of Cleveland on September 25, 1995, and as shown by the Vacation Plat recorded in Volume 281 of Maps, Page 19 of Cuyahoga County Records.

(PPN: 101-28-011)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 8 of a Subdivision of the Cowles' Estate of part of Original Two Acre Lot Nos. 101 to 104 inclusive, as shown by the recorded plat in Volume 30 of Deeds, Page 541 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Prospect Avenue S.E., at the Northeasterly corner of said Sublot No. 8, which beginning point is 54 feet Westerly from the Westerly line of an alley known as East Sixth Street (formerly Prospect Alley);

Thence Southerly at right angles with Prospect Avenue S.E., 106 feet;

Thence Westerly parallel with Prospect Avenue S.E., and along the Northerly line of land heretofore owned by Joseph Bell, 46 feet;

Thence Northerly parallel with the Easterly line, 13 10/12 feet to the continuation of the Southerly line of an alley;

Thence Westerly parallel with Prospect Avenue S.E., 4 feet to the Westerly line of said Lot 8;

Thence Northerly on the Westerly line of Lot 8, 92 2/12 feet to the Southerly line of Prospect Avenue S.E.;

Thence Easterly along the Southerly line of Prospect Avenue S.E., 50 feet to the place of beginning, as appears by said plat.

(PPN 101-28-014)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 24 and 25 in The Samuel Cowles' Estate Subdivision of part of Original Two Acre Lot Nos. 101, 102, 103 and 104, as shown by the recorded plat in Volume 30 of Deeds, Page 541 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Ordinance No. 560-2019

Beginning on the Southerly line of an alley (now known as Coleman Court S.E.), between Prospect Avenue S.E. and High Avenue S.E. at the Northwesterly corner of said Sublot No. 25, said point of beginning being also distant Easterly 100 feet from the most Northerly corner of land conveyed by James F. Clarke to John C. Kennedy by Deed dated August 18, 1834, and recorded in Volume 0, Page 425 of Cuyahoga County Records;

Thence Easterly along the Southerly line of said Coleman Court S.E., 28 feet 6 inches to the Northeasterly corner of said Sublot No. 24, which point is also in the Westerly line of land conveyed by Leonard Case and Wife, to George C. Dodge by Deed dated July 10, 1840, and recorded in Volume 28, Page 416 of Cuyahoga County Records;

Thence Southerly along the Easterly line of said Sublot No. 24 and along the said Westerly line of land so conveyed to George C. Dodge to the most Northerly corner of land conveyed to Thomas N. Davis and Wife, to David P. Hawley and John Langton by Deed dated September 10, 1873, and recorded in Volume 222, Page 17 of Cuyahoga County Records;

Thence Southerly along the Westerly line of land so conveyed to David P. Hawley and John Langton to the Northerly line of High Avenue S.E., as established by appropriation proceedings in Cuyahoga County Insolvency Court Case No. 239;

Thence Westerly along the Northerly line of High Avenue S.E., as aforesaid by said proceedings, 7 feet 7 4/5 inches to the Northerly line of High Avenue S.E., as originally established;

Thence Westerly along the Northerly line of High Avenue S.E., as originally established, 21 feet 4 92/100 inches to the Southwesterly corner of Sublot No. 25;

Thence Northerly along the Westerly line of said Sublot No. 25, 82 feet 2 inches to the place of beginning.

Together with the Northerly half of High Street and the Southerly half of Coleman Court adjacent to the above described premises as vacated by Ordinance No. 1423-95 passed by the Council of the City of Cleveland on September 25, 1995, and as shown by the Vacation Plat recorded in Volume 281 of Maps, Page 19 of Cuyahoga County Records.

(101-28-008)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 11, 12 and 13 in The Samuel Cowles' Estate Subdivision of part of Original Two Acre Lots Nos, 101, 102, 103 and 104 as shown by the recorded plat in Volume 30 of Deeds, Page 541 of Cuyahoga County Records, and part of Original Two Acre Lot Nos. 100 and 101, not yet subdivided and together forming a parcel of land bounded and described as follows:

Beginning at the point, of intersection of the Southerly line of Prospect Avenue, S.E., 82 1/2 feet wide, with the Easterly line of East Fourth Street (formerly Sheriff Street, 60 feet wide);

Thence Easterly along the Southerly line of Prospect Avenue, S.E., 92 feet 9 inches to the Northeasterly corner of said Sublot No. 11;

Thence Southerly along the Easterly line of said Sublot No. 11, 82 feet 2 inches to the Northerly line of Coleman Court, S.E.;

Ordinance No. 560-2019

Thence Westerly along said Northerly line of Coleman Court S.E., 92 feet 9 inches to the Easterly line of East Fourth Street;

Thence Northerly along said Easterly line of East Fourth Street, 82 feet 2 inches to the place of beginning, as appears by said plat.

Together with the Northerly half of Coleman Court adjacent to the above described premises as vacated by Ordinance No. 1423-95 passed by the Council of the City of Cleveland on September 25, 1995, and as shown by the Vacation Plat recorded in Volume 281 of Maps, Page 19 of Cuyahoga County Records.

(PPN: 101-28-015)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 26 in the Samuel Cowles' Estate Subdivision of part of Original Two Acre Lot. Nos. 101 to 104 inclusive, as shown by the recorded plat in Volume 30 of Deeds, Page 541 of Cuyahoga County Records, and being 50 feet front on the Northerly side of High Avenue, S.E., and extending back of equal width 82 feet 2 inches to the Southerly line of Coleman Court, S.E., as appears by said plat.

Together with the Northerly half of High Street and the Southerly half of Coleman Court adjacent to the above described premises as vacated by Ordinance No. 1423-95 passed by the Council of the City of Cleveland on September 25, 1995, and as shown by the Vacation Plat recorded in Volume 281 of Maps, Page 19 of Cuyahoga County Records.

(PPN: 101-28-013)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 8 and 24 in the Samuel Cowles, Estate Subdivision of part of original Two Acre Lots Nos. 101, 102, 103 and 104, as shown by the recorded plat in Volume 30 of Deeds, Page 541 of Cuyahoga County Records, and together forming a parcel of land, bounded and described as follows:

Beginning at a point in the Southerly line of an alley now known as Coleman Court, S.E., between Prospect Avenue S.E. and High Avenue S.E., said beginning point being the Southeasterly termination of said alley and also the Northeasterly corner of land conveyed to Joseph Bell by deed recorded in Volume 30, Page 542 of Cuyahoga County Records;

Thence Southerly on a line at right angles with the Southerly line of Prospect Avenue S.E., to the Northerly line of High Avenue S.E., as established by Appropriation Proceedings in Cuyahoga County Insolvency Court Case 236;

Thence Easterly along the Northerly line of High Avenue S.E., 55 64/100 feet to the Southeasterly corner of said Sublot No. 8;

Thence Northerly on a line at right angles with said Northerly line of High Avenue S.E., 3 1/2 feet;

Thence Northerly on a line at right angles with the Southerly line of Prospect Avenue S.E., to a point 106 feet Southerly from said Southerly line of Prospect Avenue S.E.;

Ordinance No. 560-2019

Thence Westerly parallel with said Southerly line of Prospect Avenue S.E., 46 feet to a point 4 feet Easterly from the Westerly line of said Sublot No. 8;

Thence Northerly parallel with said Westerly line of Sublot No. 8 to a point in a line drawn Easterly parallel with the Southerly line of Prospect Avenue S.E., from the place of beginning;

Thence Westerly 4 feet to the place of beginning, as appears by said plat.

Together with the Northerly half of High Street adjacent to the above described premises as vacated by Ordinance No. 1423-95 passed by the Council of the City of Cleveland on September 25, 1995, and as shown by the Vacation Plat recorded in Volume 281 of Maps, Page 19 of Cuyahoga County Records.

(PPN's: 101-28-009 and 010)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Lots 9 and 10 of The Samuel Cowles Estate Subdivision as recorded in Volume 30 of Deeds, Page 541, of the Cuyahoga County Records and more fully described as follows:

Beginning at the intersection of the Southerly right-of-way of Prospect Avenue (82.50'), and the Easterly right-of-way of East 4th Street (60.00'),

Thence S. 68 degrees 00' 02" E. along the Southerly right-of-way of said Prospect Avenue, 92.71 feet to the true place of beginning;

Thence continuing along said Prospect Avenue 64.97 feet to a point;

Thence S. 21 degrees 59' 58" W. at right angles to said Prospect Avenue, 82.64 feet to a point on the Northerly line of a dedicated alley (10');

Thence N. 68 degrees 00' 02" W., along the Northerly line of said alley, 64.87 feet to a point;

Thence N. 21 degrees 59' 58" E., 82.64 feet to the place of beginning and containing 0.123 acres of land, more or less, as surveyed by Ralph C. Tyler, Registered Surveyor No. 4236, in December, 1994. But subject to all legal roads, highways, and easements of record. The basis of bearing is an assumed meridian and used to denote Angles only.

Together with the Northerly half of Coleman Court adjacent to the above described premises as vacated by Ordinance No. 1423-95 passed by the Council of the City of Cleveland on September 25, 1995, and as shown by the Vacation Plat recorded in Volume 281 of Maps, Page 19 of Cuyahoga County Records.

(PPN: 101-28-031)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 2 Acre Lot No. 101 and bounded and described as follows:

Beginning on the Northerly line of Huron Road, S.E. (94 feet wide), at a point which is distant 28.50 feet Easterly, measured along said Northerly line, from its intersection with the Westerly line of said Original Lot No. 101, said place of beginning being also the intersection of the Northerly line of Huron Road, S.E., with the Southerly prolongation of the Westerly line of land conveyed to Buckley Stedman and Diana Stedman, by deed dated November 30, 1868 and recorded in Volume 160, Page 270 of Cuyahoga County Records;

Ordinance No. 560-2019

Thence Easterly along the Northerly line of Huron Road, S.E., 33.67 feet to its intersection with the Southerly prolongation of the Westerly line of land conveyed to Edward Hessenmueller, by deed dated April 15, 1858 and recorded in Volume 97, Page 31 of Cuyahoga County Records;

Thence Northerly along said Southerly prolongation and along the Westerly line of land so conveyed to Edward Hessenmueller, to the Southerly line of High Avenue, S.E.;

Thence Westerly along the Southerly line of High Avenue, S.E., 33.55 feet to the Westerly line of land conveyed to Buckley and Diana Stedman, as aforesaid;

thence Southerly along the Westerly line of land so conveyed to Buckley and Diana Stedman and the Southerly extension thereof, to the place of beginning, be the same more or less, but subject to all legal highways.

Together with the Southerly half of High Street adjacent to the above described premises as vacated by Ordinance No. 1423-95 passed by the Council of the City of Cleveland on September 25, 1995, and as shown by the Vacation Plat recorded in Volume 281 of Maps, Page 19 of Cuyahoga County Records.

(PPN 101-28-016)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot Nos. 100 and 101, and also a part of Sublot No. 27 in the Subdivision of the Cowles Estate of a part of Original Two Acre Lots Nos. 101 to 104, as shown by the recorded plat in Volume 30 of Deeds, Page 541 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning at the Southeasterly corner of said Sublot No. 27 on the Northerly side of High Avenue S.E. (formerly High Street);

Thence Northerly along the Easterly line of said Sublot, 82 2/12 feet to an alley;

Thence westerly along said alley, 30 feet;

Thence Southerly parallel with the Easterly line of said Sublot, 82 2/12 feet to the Northerly line of High Avenue, S.E.;

Thence Easterly along the Northerly line of High Avenue, S.E., to the place of beginning, be the same more or less, but subject to all legal highways.

Together with the Northerly half of High Street and the Southerly half of Coleman Court adjacent to the above described premises as vacated by Ordinance No. 1423-95 passed by the Council of the City of Cleveland on September 25, 1995, and as shown by the Vacation Plat recorded in Volume 281 of Maps, Page 19 of Cuyahoga County Records.

(PPN 101-28-034)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of original Two Acre Lot Nos. 100 and 101, and also part of Sublot No. 27 of the Cowles Estate Subdivision of part of Original Two Acre Lots Nos. 101 to 104, as shown by the recorded Plat in Volume 30 of Deeds, Page 541 of Cuyahoga County Records, and bounded and described as follows:

Ordinance No. 560-2019

Beginning at the intersection of the Northerly line of High Avenue S.E. (formerly High Street) with the Easterly line of East 4th Street(formerly Sheriff Street);

Thence Easterly along the Northerly line of High Avenue S.E., 47 feet;

Thence Northerly along the Easterly line of this Tract, and parallel with, said East 4th Street, 30 feet;

Thence Westerly parallel to the Southerly line, 47 feet to East 4th Street;

Thence Southerly along the Easterly line of East 4th Street to the place of beginning, and being the same land conveyed to Theodore Schmitt and Frank M. Osborne by Deed recorded in Volume 397, Page 40 of Cuyahoga County Records, made by Richard and Sarah Stewart, Grantees herein, be the same more or less, but subject to all legal highways.

Together with the Northerly half of High Street adjacent to the above described premises as vacated by Ordinance No. 1423-95 passed by the Council of the City of Cleveland on September 25, 1995, and as shown by the Vacation Plat recorded in Volume 281 of Maps, Page 19 of Cuyahoga County Records.

13: (PPN 101-28-035)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 2 Acre Lot Number 100 and part of Sublot Number 27 in the Samuel Cowles Estate Subdivision of part of original 2 Acre Lot Numbers 101, 102, 103 and 104 as shown by the recorded plat in Volume 30 of Deeds, Page 541 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point in the Easterly line of East 4th Street (60 feet wide) about 30 feet Northerly of the Northerly line of High Avenue S.E. (width varies);

Thence Northerly along said Easterly line of East 4th Street about 53 feet to the Southerly line of Coleman Court S.E. (10 feet wide);

Thence Easterly along said Southerly line of Coleman Court S.E. about 47 feet;

Thence Southerly parallel with the Easterly line of East 4th Street as aforesaid about 53 feet;

Thence Westerly about 47 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Together with, the Southerly half of Coleman Court adjacent to the above described premises as vacated by Ordinance No. 1423-95 passed by the Council of the City of Cleveland on September 25, 1995, and as shown by the Vacation Plat recorded in Volume 281 of Maps, Page 19 of Cuyahoga County Records.

(PPN: 101-28-033)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of the parcel of land in the Original Two Acre Lots Nos. 100 and 101, which was conveyed by The Champion Realty Company to The Cleveland Trust Company by deed recorded in Volume 3273, Page 606 of Cuyahoga County Records and bounded and described as follows:

Ordinance No. 560-2019

Beginning on the Easterly line of East 4th Street, 60 feet wide, distant North 00 deg. 00' 30" West, along said Easterly line, 61.45 feet from its intersection with the Northerly line of Huron Road S.E. said Northerly line being parallel with and distant Northerly, 44.50 feet from the center line of Huron Road S.E.;

Thence North 00 deg. 00' 30" West, along said Easterly line of East 4th Street, 85.50 feet to its intersection with the Southerly line of High Avenue S.E. (46.36 feet wide);

Thence South 68 deg. 00' 00" East, along said Southerly line of High Avenue S.E., 68.42 feet to an angle in said Southerly line;

Thence South 89 deg. 59' 10" East, continuing along said Southerly line of High Avenue S.E., 4.84 feet to its intersection with the Easterly line of land conveyed to The Cleveland Trust Company as aforesaid;

Thence South 00 deg. 14' 50" West, along the Easterly line of said The Cleveland Trust Company's land, 59.86 feet to the center of a party wall now existing and situated partially upon the premises hereby conveyed and partly upon the lands still owned by The Champion Realty Company and lying to the South of the premises hereby conveyed;

Thence West along the center of said wall, parallel with said Northerly line of Huron Road S.E., 68.01 feet to the place of beginning, according to the survey prepared for The Cleveland Trust Company by Edward C. O'Rourke dated July, 1949 and revised March, 1953.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of High Avenue S.E. as vacated by Ordinance No. 1423-95 passed by the Council of the City of Cleveland on September 25, 1995, and as shown by the Vacation Plat recorded in Volume 281 of Maps, Page 19 of Cuyahoga County Records.

PPN: 101-28-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of a parcel of land in Original Two Acre Lots Nos. 100 and 101 and part of Sublot No. 23 in the Subdivision of the Samuel Cowles' Estate and shown by the recorded plat in Volume 30 of Deeds, Page 541 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning at the intersection of the centerlines of East 4th street (60 feet wide) and Huron Road S.E. (94 feet wide);

Thence North 55° 56' 30" East along the centerline of Huron Road S.E., 30.00 feet to a point;

Thence North 34° 01' 10" West, 44.50 feet to a drill hole set at the intersection of the Northerly right-of-way of Huron Road, S.E. and the easterly right-of-way of East 4th Street and being the principal place of beginning of the premises herein described;

Course 1. Thence North 34° 01' 10" West along said Easterly line of East 4th Street, 61.45 feet to a drill hole set at the Southwesterly corner of land conveyed to System Property Development Company, Inc. (PPN. 101-28-033) by deed dated January 29, 1999 and recorded in Auditor's File No. 199901291207 Cuyahoga County Records.

Ordinance No. 560-2019

Course 2. Thence North 55° 56' 30" East along the Southerly line of land so conveyed, 67.57 feet to a drillhole set on a Westerly line of land conveyed to System Property Development Company, Inc. (PPN 101-28-031) by deed dated January 29, 1999 and recorded in Auditor's File No. 199901291207 of Cuyahoga County Records.

Course 3. Thence South 34° 08' 06" East along the Westerly line of land so conveyed, 61.45 feet to a drill hole set on the northerly right-of-way of Huron Road, S.E.;

Course 4. Thence South 55° 56' 30" West along said Northerly right-of-way of Huron Road, S.E. 67.69 feet to the principal place of beginning, and containing 0.0954 acres of land as surveyed and described by Edward B. Dudley III, P.S. No. 6747 of the Riverstone Company in April of 2007, be the same more or less, but subject to all legal highways, restrictions and documents of record.

County Engineer's T/M No. 07-018-S-002

(PPN: 101-28-007)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot No. 100 and bounded and described as follows:

Beginning on the Southerly line of Prospect Street, now known as Prospect Avenue, S.E., at the point of intersection thereof with the Westerly line of Sheriff Street, now known as East 4th Street, as opened and established by Ordinance of the City Council of the City of Cleveland and by proceedings in the Probate Court of Cuyahoga County in November, 1872;

thence Southerly along the Westerly line of Sheriff Street, as established as aforesaid, eighty-two feet, more or less, to the Northerly line of the ten-foot alley called Coleman Alley, now known as Coleman Court Southeast;

thence Westerly along the Northerly line of Coleman Alley and parallel with Prospect Street, fifty-four feet and eight inches, more or less, to the Westerly line of a parcel of land conveyed by James N. Jones and wife to Anthony Carlin, by Deed dated November 24, 1899, and recorded in Volume 733, Page 497 of Cuyahoga County Records;

thence Northerly along the Westerly line of the premises so conveyed by Jones to Carlin, eighty-two feet, more or less, to the Southerly line of Prospect Street;

thence Easterly along the Southerly line of Prospect Street, fifty-four feet, eight inches, more or less, to the place of beginning, be the same more or less, but subject to all legal highways.

(PPN: 101-29-002)

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sublot No. 5 and the Westerly part of Sublot 4 in The Samuel Cowles' Estate Subdivision of part of Original Two Acre Lot Nos. 101, 102, 103 and 104 as shown by the recorded plat in Volume 30 of Deeds, Page 541 of Cuyahoga County Records, together forming a parcel of land, bounded and described as follows:

Beginning on the Southerly side of Prospect Avenue S E. at the Northwesterly corner of Sublot 5;

Ordinance No. 560-2019

Thence Easterly along the Southerly side of Prospect Avenue S.E., 68.50 feet to the Northwesterly corner of a parcel of land conveyed to The Gaywell Company by deed dated September 25, 1951 and recorded in Volume 7403, Page 735 of Cuyahoga County Records;

Thence Southerly along the Westerly line of said parcel conveyed 112.535 feet to the Southerly line of Sublot 4;

Thence Westerly along the said Southerly line and along the Southerly line of Sublot 5, 70.26 feet to the Southwesterly corner of Sublot 5;

Thence Northerly along the Westerly line of Sublot 5, 125 feet 5 inches to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Non-exclusive easement for pedestrian and vehicular ingress and egress contained in the Warranty Deed from Dahlen, Inc., to The Gaywell Company, filed for record on September 28, 1951 and recorded in Volume 7403, Page 735 of Cuyahoga County Records over a portion of the following described property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot No. 3 and the Easterly part of Sublot No 4 in Cowles Estate Allotment of part of Original Two Acre Lots Nos. 101, 102, 103 and 104, as shown by the recorded plat in Volume 30 of Deeds, Page 541 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Southerly line of Prospect Avenue, S.E., 82.50 feet in width, at the Northeasterly corner of said Sublot No. 3;

Course 1: thence South 12 deg. 00' 00" East along the Easterly line of said Sublot No. 3, and at right angles to said Southerly line of Prospect Avenue, S.E., a distance of 106.36 feet to the Southeasterly corner thereof;

Course 2: thence South 67 deg. 01' 00" West along the Southerly line of said Sublot No. 3 and along the Southerly line of said Sublot No. 4, a distance of 32.42 feet to the intersection with the Southerly prolongation of the Easterly face of a new Easterly wall (constructed August, 1941) of a two-story brick building lying next Westerly of the following course to be described;

Course 3: thence North 11 deg. 50' 05" West along the aforesaid Southerly prolongation and along the Easterly face of said wall, a distance of 112.535 feet to the Southerly line of Prospect Avenue, S.E.;

Course 4: thence North 78 deg. 00' 00" East along the Southerly line of Prospect Avenue, S.E., a distance of 31.50 feet to the place of beginning, according to the survey of George M. Garrett and Associates, Registered Professional Surveyors.

(PPN. 101-29-001) Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 6 in Cowles Estate Allotment, of part of Original Two Acre Lots Nos. 101, 102, 103 and 104, as shown by the recorded plat in Volume 30 of Deeds, Page 541 of Cuyahoga County Records, and bounded and described as follows:

Ordinance No. 560-2019

Beginning on the Southerly line of Prospect Avenue, S.E., at its intersection with the Easterly line of East 6th Street;

thence Northeasterly along the Southerly line of Prospect Avenue, S.E., 50 feet to the Northeasterly corner of said Sublot No. 6;

thence Southeasterly along the easterly line of said Sublot, 125 feet 5 inches to the Southeasterly corner thereof;

thence Westerly along the Southerly line of said Sublot to the Easterly line of East 6th Street;

thence Northwesterly along the easterly line of East 6th Street, 135 feet 2 inches to the place of beginning, as-appears by said plat, be the same more or less, but subject to all legal highways.

(PPN. 101-29-045)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot No. 3 and the Easterly part of Sublot No. 4 in Cowles Estate Allotment of part of Original Two Acre Lots Nos, 101, 102, 103 and 104, as shown by the recorded plat in Volume 30 of Deeds, Page 541 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Southerly line of Prospect Avenue, S.E., 82.50 feet in width, at the Northeasterly corner of said Sublot No. 3;

Course 1: thence South 12 deg. 00' 00" East along the Easterly line of said Sublot No. 3, and at right angles to said Southerly line of Prospect Avenue, S.E., a distance of 106.36 feet to the Southeasterly corner thereof;

Course 2: thence South 67 deg. 01' 00" West along the Southerly line of said Sublot No. 3 and along the Southerly line of said Sublot No. 4, a distance of 32.42 feet to the intersection with the Southerly prolongation of the Easterly face of a new Easterly wall (constructed August, 1941) of a two-story brick building lying next Westerly of the following course to be described;

Course 3: thence North 11 deg. 50' 05" West along the aforesaid Southerly prolongation and along the Easterly face of said wall, a distance of 112.535 feet to the Southerly line of Prospect Avenue, S.E.;

Course 4: thence North 78 deg. 00' 00" East along the Southerly line of Prospect Avenue, S.E., a distance of 31.50 feet to the place of beginning, according to the survey of George M. Garrett and Associates, Registered Professional Surveyors.

(PPN. 101-29-010)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 17 in the Subdivision of the Cowles Estates of part of Original Two Acre Lots Nos. 101, 102, 103 and 104, as shown by the recorded plat in Volume 30 of Deeds, Page 541 of Cuyahoga County Records, and bounded and described as follows:

Ordinance No. 560-2019

Beginning on the Northerly line of Huron Road, S.E., 86 feet 7 inches Westerly from the Southwesterly corner of a parcel of land conveyed to David Long and wife to Samuel G. Storre by deed recorded in Volume D of Deeds, Page 291 of Cuyahoga County Records;

thence Westerly along said Northerly line of Huron Road, S.E., 50 feet;

thence Northerly at right angles to Huron Road, S.E., 115 feet 9 inches;

thence Easterly on a line midway between Huron Road, S.E. and Prospect Avenue, S.E. 50 feet 11 -1/4 inches;

thence Southerly 106 feet to the place of beginning, as appears by said plat.

TOGETHER WITH that part of Huron Road now vacated by Ordinance No. 41329.

(PPN. 101-29-046)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Two Acre Lot 103 and known as part of Lot 16 in the subdivision of the Cowles Estates of part of Original Two Acre Lots 101, 102, 103 and 104, as shown by the plat of said Subdivision and recorded in Volume 30 of Deeds, Page 541 of Cuyahoga County Records, and described as follows:

Being that part of said Sublot 16 which lies Westerly of the Westerly face of faces of the Westerly exterior building wall of the five story building now situated substantially entirely upon said Sublot 16, including that portion of said Sublot 16 which lies Westerly of a line, parallel to the Westerly line of said Sublot No. 16, drawn from the Northwestern corner of said building, at grade level, Northerly to the rear of Northerly line of said Sublot 16, the piece of parcel hereby conveyed being further described as being a strip of land approximately 6 inches in width by rectangular measurement off the Westerly side of said Sublot 16, extending from the Northerly line of Huron Road, Northerly to the rear of Northerly of said Sublot 16.

TOGETHER WITH that part of Huron Road now vacated by Ordinance No. 41329,

(PPN. 101-29-011 and 012)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublots Nos. 18 and 19 and part of Huron Street, now vacated by Ordinance No. 41329 in Cowles Estate Subdivision of part of Original 2 Acre Lots Nos. 101, 102, 103 and 104 as shown by the recorded plat in Volume 30 of Deeds, Page 541 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning at the intersection of the Northwestern line of Huron Road S.E., 94 feet wide and the Northeasterly line of East 6th Street, 12 feet wide;

thence Northeasterly along the Northwestern line of Huron Road, S.E., 100 feet to the Southeasterly prolongation of the Northeasterly line of said Sublot No. 18;

thence Northwestern along said Southeasterly prolongation and the Northeasterly line of Sublot No. 18, 120 feet 9 inches to the Northeasterly corner thereof;

Ordinance No. 560-2019

thence Southwesterly along the Northwesterly lines of Sublots Nos. 18 and 19 to the Northwesterly corner of Sublot No. 19 and the Northeasterly line of said East 6th Street;

thence Southeasterly along the Northeasterly line of East 6th Street, 140 feet 2 inches to the place of beginning, be the same more or less, but subject to all legal highways.

TOGETHER WITH that part of Huron Road now vacated by Ordinance No. 41329

Section 2. That one hundred percent (100%) of the Improvements are declared exempt from real property taxation for a period of 30 years; and that in no event shall the exemption period extend beyond ~~2045~~ 2052. The terms of the agreement are as follows:

**DEPARTMENT OF ECONOMIC DEVELOPMENT
DEPARTMENT OF ECONOMIC DEVELOPMENT
SUMMARY FOR THE LEGISLATIVE FILE**

Developer: Gateway Huron, LLC

Project Location: Prospect & Huron Avenues; at E. 4th St.

Project Manager: David Ebersole

Ward/Councilperson: Ward 3/ Councilman Kerry McCormack

City Assistance: Non-School TIF

Project Site:



Ordinance No. 560-2019

Project Description:

The Gateway lots, located at the corner of E. 4th and Prospect, have long been an underutilized area for downtown Cleveland. As surface lots, these parcels created a gap in the urban fabric and broke up the vitality of the connection between the strong and growing assets at E. 4th Street & Euclid Avenue and the huge draws of Progressive Field & Quicken Loans Arena.

Gateway Huron, LLC, an affiliate of Stark Enterprises, has acquired these lots to launch Project NuCLEus, a truly transformative development that will change the face of the Gateway District and leverage this key location. Their proposed mixed-use development will be an attraction for shoppers, workers, and residents in itself and a strong compliment to the existing assets in downtown. In addition to the large surface lots at E. 4th and Prospect, the development site also encompasses neighboring outdated parking garages to the east and a small building on Prospect Avenue adjacent to the site. The project includes a large amount of Class A office space which is critically needed in downtown Cleveland.

The initial development proposes to construct 277 residential rental units, approximately 400,000 sf of gross commercial office, 77,820 square feet of national credit tenant retail, approximately and 1,350 parking spaces, and pedestrian oriented infrastructure improvements. The project proposes to construct two towers on top of retail and parking, topping out at 24 stories, on the surface parking lot on the corner of E. 4th Street and Prospect that will straddle the East 6th walkway, creating two structures at ground level, that are connected above via the garage. Additionally, the development proposes substantial improvements to the E. 6th Street walkway, creating a “Laneway” modeled on successful retail developments in Melbourne, Australia. It is anticipated that as many as 1,000 individuals could be employed at the project site.

Estimated Project Sources & Uses

SOURCES		USES	
Private Debt (Inc. TIF*)	\$ 213,125,000	Construction	\$ 234,730,000
Equity	\$ 100,400,000	Soft Costs	\$ 92,425,000
City of Cleveland	\$ 12,000,000	Land Costs	\$ 26,730,000
City of Cleveland VPI	\$ 360,000		
Cuyahoga County	\$ 6,000,000		
State of Ohio	\$ 6,000,000		
Subordinate Loans	\$ 16,000,000		
TOTAL	\$ 353,885,000	TOTAL	\$ 353,885,000

* The City estimates the TIF value to be approximately \$19,000,000

City Requirements

- Subject to the Fair Employment Wage Law due to project having more than 20 jobs.
- The project is subject to the Fannie M. Lewis Cleveland Resident Employment Law.
- The project is subject to MBE/FBE/CSB.

Ordinance No. 560-2019

- The project is subject to Workforce Development Agreement for all new jobs.

The Developer has also agreed to the following additional items:

- Provide summer internships for CMSD students in architectural, design, and project development
- Provide shadowing opportunities for students with construction and management
- Provide apprenticeship opportunities

Section 6. That under Section 5709.43 of the Revised Code, there is established an Urban Redevelopment Tax increment Equivalent Fund into which shall be deposited Service Payments in Lieu of Taxes (“PILOTS” or “Service Payments”) ~~which shall be used for the purpose of funding project debt or for other economic development purposes as determined by the Director of Economic Development.~~ that shall be used for financing the public purpose Improvements including project debt service, bond payments, and reimbursement of project construction costs, or for other economic development purposes as determined by the Director of Economic Development.

Section 2. That existing Sections 1, 2, and 6 of Ordinance No. 1570-14, passed December 8, 2014, are repealed.

Section 3. 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
4-29-19

FOR: Director Ebersole

Ord. No. 560-2019

REPORT
after second Reading

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

AN EMERGENCY ORDINANCE

To amend Sections 1, 2, and 6 of Ordinance No. 1570-14, passed December 8, 2014, relating to a Tax Increment Financing Agreement with Gateway Huron, LLC, or its designee to provide funding for the NuCLEus redevelopment project.

READ FIRST TIME on APRIL 29, 2019

REPORTS

and referred to DIRECTORS of Economic 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. **106** 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

