

Ordinance No. 1195-2023

By Council Members Spencer, Bishop and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Commissioner of Purchases and Supplies to sell City-owned air-rights interest no longer needed for the City's public use located on Detroit Avenue adjacent to the West Boulevard-Cudell Rapid Transit Station to Flaherty & Collins Development, LLC for future residential development.

WHEREAS, the City of Cleveland holds air-rights interest in a portion of Permanent Parcel No. 001-32-012, the Greater Cleveland Regional Transit Authority ("RTA") West Boulevard-Cudell Rapid Transit Station Property, located on Detroit Avenue; and

WHEREAS, Flaherty & Collins Development, LLC, or its designee (the "Redeveloper"), wishes to purchase the City of Cleveland's air-rights interest in the property so that it can have clear title in order for future residential development; and

WHEREAS, the Director of Public Works has requested the sale of the City-owned air-rights interest to the Redeveloper which are no longer needed for the City's public use and located on Detroit Avenue adjacent to the West Boulevard-Cudell Rapid Transit Station for purposes of future residential development; 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 air-rights interest in the following described property is no longer needed for the City's public use:

PPN 001-32-012

The Land referred to herein below is situated in the County of Cuyahoga, State of Ohio, and is described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lot No. 9, and bounded and described as follows:

Beginning in the northerly line of Detroit Ave. N.W., at its intersection with the northwesterly line of the New York Central Railroad Company's Right of way (100 ft. Wide); thence westerly along said northerly line of Detroit Ave. N.W. 272 29/100 ft. to the southwesterly corner of land conveyed to H.D. Koblitz by deed dated June 24, 1920, and recorded in Vol. 2389, Page 2 of Cuyahoga County Records; thence northerly along said westerly line of land so conveyed to H.D.

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Koblitz, 136 ft. to the southwesterly corner of land conveyed The New York, Chicago & St Louis Railroad Company by deed dated September 26, 1924, and recorded in Vol. 3203, Page 242 of Cuyahoga County records; thence easterly along the southerly line of land so conveyed to The New York, Chicago & St Louis Railroad company 417 496/1000 ft. to the northwesterly line of The New York Central Railroad Company's right of way (133 ft. wide); thence southwesterly along said northwesterly line of said right of way, 118 ft.; thence southerly along said right of way, 37 05/100 ft. to the northwesterly line of The New York Central Railroad company's right of way (100 ft. wide); thence southwesterly along the northwesterly line of said right of way (100 ft. Wide), 99 85/100 ft. to the place of beginning, to the same more or less.

Section 2. That, provided Redeveloper obtains title to Permanent Parcel No. 001-32-012, by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described air-rights interest to the Redeveloper at a price not less than \$12,000 which is determined to be fair market value after appraisal, taking into account all restrictions, reversionary interests and similar encumbrances as may be placed by the City of Cleveland in the deed of conveyance.

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.

PMA:nl
10-16-2023
FOR: Director Williams

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READ FIRST TIME on OCTOBER 16, 2023
and referred to DIRECTORS of Public Works,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability,
Finance Diversity Equity and Inclusion

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **110** Page _____

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, DIVERSITY, EQUITY
and INCLUSION**

FILED WITH COMMITTEE

