

Ordinance No. 978-2019

(As Amended)

Council Members *Santana*,
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 2937 W 25, LLC, or its designee, located at 2937 West 25th Street 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 2937 W 25, 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:

LEGAL DESCRIPTION

OF

PARCEL "B"

2937 WEST 25th STREET

~~P.P.N. 008-05-001 THROUGH P.P.N. 008-05-007~~

~~P.P.N. 008-05-059 THROUGH P.P.N. 008-05-061~~

~~P.P.N. 008-05-057, P.P.N. 008-05-107, P.P.N. 008-05-111, and P.P.N. 008-05-114~~

CITY OF CLEVELAND, OHIO

~~_____ Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot No. 1 and part of Sublot Nos. 2 and 3 in the Hiram Stone's Allotment as shown by the plat recorded in Volume 1, Pages 41 and 42 of Cuyahoga County Map Records and part of the Original Brooklyn Township Lot No. 68 and further bounded and described as follows:~~

~~_____ Beginning at a drill hole set at the intersection of the northerly right of way of Castle Avenue S.W. (formerly Warden Street) (40 feet wide) and the easterly right of way of West 25th Street (State Route 42) (formerly Columbus Street) (formerly Pearl Street) (66 feet wide) and being the **Principal Place of Beginning** of the premises herein described;~~

~~_____ Thence North 05°34'58" East along the easterly right of way of West 25th Street, 294.59 feet a drill hole set on the southerly right of way of Seymour Avenue (60 feet wide);~~

~~_____ Thence North 89°59'58" East along the southerly right of way of Seymour Avenue, 171.42 feet to a drill hole set at the northwesterly corner of land conveyed to Charles Pfeil (1/2 interest) by the deed recorded in Volume 314, Page 45 of Cuyahoga County Deed Records and Amanda Gartman (1/2 interest) by the deed recorded in Volume 3175, Page 404 of Cuyahoga County Deed Records;~~

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~~Thence South 00°00'27" West along the westerly line of land so conveyed to Charles Pfeil and Amanda Gartman, 69.57 feet to a drill hole set on the southerly line of Sublot No. 2 in the Hiram Stone's Allotment as shown by the plat recorded in Volume 1, Page 41-42 of Cuyahoga County Map Records;~~

~~————Thence South 89°59'43" East along the southerly line of land so conveyed to Charles Pfeil and Amanda Gartman and the southerly line of said Sublot No. 2, 12.10 feet to a drill hole set on the easterly line of said Sublot No. 2;~~

~~————Thence North 00°01'02" East along the easterly line of land so conveyed to Charles Pfeil and Amanda Gartman and the easterly line of said Sublot No. 2, 69.58 feet to a drill hole set on the southerly right of way of Seymour Avenue;~~

~~————Thence North 89°59'58" East along the southerly right of way of Seymour Avenue, 25.00 feet to a 5/8" iron pin found at the northwesterly corner of land conveyed to Israel Lugo by the deed recorded in Volume 86-3854, Page 46 of Cuyahoga County Deed Records;~~

~~————Thence South 00°01'02" West along the westerly line of land so conveyed to Israel Lugo, 140.02 feet to a point;~~

~~————Thence South 89°45'30" East along the southerly line of land so conveyed to Israel Lugo, the southerly line of lands conveyed to Campo 25, Inc. by the deed recorded in Auditor's File No. 201607150823 of Cuyahoga County Deed Records, and the southerly lines of lands conveyed to the City of Cleveland Land Reutilization Program by the deeds recorded in Auditor's File No. 201404250312, 201404250313, and 201404250314 of Cuyahoga County Deed Records, 184.55 feet to a 5/8" iron pin found at the northwesterly corner of land conveyed to Terra Gateway Holdings by the deed record in Auditor's File No. 201712060359 of Cuyahoga County Deed Records;~~

~~————Thence South 05°10'17" West along the westerly line of land so conveyed to Terra Gateway Holdings and the westerly line of land conveyed to J&C Homebuyers LLC by the deed record in Auditor's File No. 201406170321 of Cuyahoga County Deed Records, 189.91 feet to a 5/8" iron pin found on the northerly right of way of Castle Avenue S.W.;~~

~~————Thence North 84°48'37" West along the northerly right of way of Castle Avenue S.W., 406.25 feet to the easterly right of way of West 25th Street and to the **Principal Place of Beginning** and containing 2.2757 acres of land, as surveyed and described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in February 2018, subject to all legal highways, restrictions, reservations and easements of record.~~

~~Parcel "B" is subject to an existing easement for right of way from Louise F. Hochwalt and Mary K. Gunderman to Louise Pfeil recorded in Volume 1437, Page 333 of Cuyahoga County Deed Records.~~

Ordinance No. 978-2019

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

Deeds of Reference:

Land conveyed to 2937 W 25, LLC by deed dated December 29, 2017 and recorded in Auditor's File Number 201712290775 of Cuyahoga County Deed Records.

Basis of Bearing:

The centerline of West 25th Street as North 05°34'58" East is an assumed bearing and is used to indicate angles only.

LEGAL DESCRIPTION
OF
PARCEL "AA"
WEST 25th STREET
PART OF P.P.N. 008-05-115
CITY OF CLEVELAND, OHIO

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Parcel "B" in the Plat of Consolidation of part of Original Brooklyn Township Lot No. 68, as shown by the plat recorded in AFN. 201803230414 of Cuyahoga County Records and further bounded and described as follows:

Beginning at a drill hole set at the intersection of the northerly right of way of Castle Avenue S.W. (formerly Warden Street) (40 feet wide) and the easterly right of way of West 25th Street (State Route 42) (formerly Columbus Street) (formerly Pearl Street) (66 feet wide) and being the **Principal Place of Beginning** of the premises herein described;

Thence North 05°34'58" East along the easterly right of way of West 25th Street, 85.74 feet to a drill hole set;

Thence South 84°48'37" East, 60.00 feet to a 5/8" iron pin set;

Thence South 05°34'58" West, 85.74 feet to a drill hole set on the northerly right of way of Castle Avenue S.W.;

Thence North 84°48'37" West along the northerly right of way of Castle Avenue S.W., 60.00 feet to the easterly right of way of West 25th Street and to the **Principal Place of Beginning** and containing 0.1181 acres of land, as surveyed and described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in August 2019, subject to all legal highways, restrictions, reservations and easements of record.

Deeds of Reference:

Land conveyed to 2937 W 25, LLC by deed dated December 29, 2017 and recorded in Auditor's File Number 201712290775 of Cuyahoga County Deed Records and the Plat of Consolidation recorded in AFN. 201803230414 of Cuyahoga County Map Records.

Basis of Bearing:

The centerline of West 25th Street as North 05°34'58" East is an assumed bearing and is used to indicate angles only.

“LEGAL DESCRIPTION
OF
PARCEL “BB”
2937 WEST 25th STREET
PART OF P.P.N. 008-05-115
CITY OF CLEVELAND, OHIO

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Thence North 05°34'58" East along the easterly right of way of West 25th Street, 85.74 feet to a drill hole set and being the **Principal Place of Beginning** of the premises herein described;

Thence North 05°34'58" East continuing along the easterly right of way of West 25th Street, 208.85 feet to a drill hole set on the southerly right of way of Seymour Avenue (60 feet wide);

Thence North 89°59'58" East along the southerly right of way of Seymour Avenue, 171.42 feet to a drill hole set at the northwesterly corner of land conveyed to Charles Pfeil (1/2 interest) by the deed recorded in Volume 314, Page 45 of Cuyahoga County Deed Records and Amanda Gartman (1/2 interest) by the deed recorded in Volume 3175, Page 404 of Cuyahoga County Deed Records;

Thence South 00°00'27" West along the westerly line of land so conveyed to Charles Pfeil and Amanda Gartman, 69.57 feet to a drill hole set on the southerly line of Sublot No. 2 in the Hiram Stone's Allotment as shown by the plat recorded in Volume 1, Page 41-42 of Cuyahoga County Map Records;

Thence South 89°59'43" East along the southerly line of land so conveyed to Charles Pfeil and Amanda Gartman and the southerly line of said Sublot No. 2, 12.10 feet to a drill hole set on the easterly line of said Sublot No. 2;

Thence North 00°01'02" East along the easterly line of land so conveyed to Charles Pfeil and Amanda Gartman and the easterly line of said Sublot No. 2, 69.58 feet to a drill hole set on the southerly right of way of Seymour Avenue;

Thence North 89°59'58" East along the southerly right of way of Seymour Avenue, 25.00 feet to a 5/8" iron pin found at the northwesterly corner of land conveyed to Israel Lugo by the deed recorded in Volume 86-3854, Page 46 of Cuyahoga County Deed Records;

Thence South 00°01'02" West along the westerly line of land so conveyed to Israel Lugo, 140.02 feet to a point;

Thence South 89°45'30" East along the southerly line of land so conveyed to Israel Lugo, the southerly line of lands conveyed to Campo 25, Inc. by the deed recorded in Auditor's File No. 201607150823 of Cuyahoga County Deed Records, and the southerly lines of lands conveyed to the City of Cleveland Land Reutilization Program by the deeds recorded in Auditor's File No. 201404250312, 201404250313, and 201404250314 of Cuyahoga County Deed Records, 184.55 feet to a 5/8" iron pin found at the northwesterly corner of land conveyed to HI-Yield Rentals 2480, LLC by the deed record in Auditor's File No. 201902200197 of Cuyahoga County Deed Records;

Thence South 05°10'17" West along the westerly line of land so conveyed to HI-Yield Rentals 2408, LLC and the westerly line of land conveyed to HI-Yield Rentals 2408, LLC by the deed record in Auditor's File No. 201903210160 of Cuyahoga County

Deed Records, 189.91 feet to a 5/8" iron pin found on the northerly right of way of Castle Avenue S.W.:

Thence North 84°48'37" West along the northerly right of way of Castle Avenue S.W., 346.25 feet to a drill hole set;

Thence North 05°34'58" East, 85.74 feet to a 5/8" iron pin set;

Thence North 84°48'37" West, 60.00 feet to the easterly right of way of West 25th Street and to the **Principal Place of Beginning** and containing 2.1576 acres of land, as surveyed and described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in August 2019, subject to all legal highways, restrictions, reservations and easements of record.

Parcel "B" is subject to an existing easement for right of way from Louise F. Hochwalt and Mary K. Gunderman to Louise Pfeil recorded in Volume 1437, Page 333 of Cuyahoga County Deed Records.

Deeds of Reference:

Land conveyed to 2937 W 25, LLC by deed dated December 29, 2017 and recorded in Auditor's File Number 201712290775 of Cuyahoga County Deed Records and the Plat of Consolidation recorded in AFN. 201803230414 of Cuyahoga County Map Records.

Basis of Bearing:

The centerline of West 25th Street as North 05°34'58" East is an assumed bearing and is used to indicate angles only.

LEGAL DESCRIPTION
OF
PARCEL "BB"
2937 WEST 25th STREET
PART OF P.P.N. 008-05-115
CITY OF CLEVELAND, OHIO

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Thence North 05°34'58" East along the easterly right of way of West 25th Street, 85.74 feet to a drill hole set and being the **Principal Place of Beginning** of the premises herein described;

Thence North 05°34'58" East continuing along the easterly right of way of West 25th Street, 208.85 feet to a drill hole set on the southerly right of way of Seymour Avenue (60 feet wide);

Thence North 89°59'58" East along the southerly right of way of Seymour Avenue, 171.42 feet to a drill hole set at the northwesterly corner of land conveyed to Charles Pfeil (1/2 interest) by the deed recorded in Volume 314, Page 45 of Cuyahoga County Deed Records and Amanda Gartman (1/2 interest) by the deed recorded in Volume 3175, Page 404 of Cuyahoga County Deed Records;

Thence South 00°00'27" West along the westerly line of land so conveyed to Charles Pfeil and Amanda Gartman, 69.57 feet to a drill hole set on the southerly line of Sublot No. 2 in the Hiram Stone's Allotment as shown by the plat recorded in Volume 1, Page 41-42 of Cuyahoga County Map Records;

Thence South 89°59'43" East along the southerly line of land so conveyed to Charles Pfeil and Amanda Gartman and the southerly line of said Sublot No. 2, 12.10 feet to a drill hole set on the easterly line of said Sublot No. 2;

Thence North 00°01'02" East along the easterly line of land so conveyed to Charles Pfeil and Amanda Gartman and the easterly line of said Sublot No. 2, 69.58 feet to a drill hole set on the southerly right of way of Seymour Avenue;

Thence North 89°59'58" East along the southerly right of way of Seymour Avenue, 25.00 feet to a 5/8" iron pin found at the northwesterly corner of land conveyed to Israel Lugo by the deed recorded in Volume 86-3854, Page 46 of Cuyahoga County Deed Records;

Thence South 00°01'02" West along the westerly line of land so conveyed to Israel Lugo, 140.02 feet to a point;

Thence South 89°45'30" East along the southerly line of land so conveyed to Israel Lugo, the southerly line of lands conveyed to Campo 25, Inc. by the deed recorded in Auditor's File No. 201607150823 of Cuyahoga County Deed Records, and the southerly lines of lands conveyed to the City of Cleveland Land Reutilization Program by the deeds recorded in Auditor's File No. 201404250312, 201404250313, and 201404250314 of Cuyahoga County Deed Records, 184.55 feet to a 5/8" iron pin found at the northwesterly corner of land conveyed to HI-Yield Rentals 2480, LLC by the deed record in Auditor's File No. 201902200197 of Cuyahoga County Deed Records;

Thence South 05°10'17" West along the westerly line of land so conveyed to HI-Yield Rentals 2408, LLC and the westerly line of land conveyed to HI-Yield Rentals 2408, LLC by the deed record in Auditor's File No. 201903210160 of Cuyahoga County Deed Records, 189.91 feet to a 5/8" iron pin found on the northerly right of way of Castle Avenue S.W.;

Thence North 84°48'37" West along the northerly right of way of Castle Avenue S.W., 346.25 feet to a drill hole set;

Thence North 05°34'58" East, 85.74 feet to a 5/8" iron pin set;

Thence North 84°48'37" West, 60.00 feet to the easterly right of way of West 25th Street and to the **Principal Place of Beginning** and containing 2.1576 acres of land, as surveyed and described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in August 2019, subject to all legal highways, restrictions, reservations and easements of record.

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Deeds of Reference:

Land conveyed to 2937 W 25, LLC by deed dated December 29, 2017 and recorded in Auditor's File Number 201712290775 of Cuyahoga County Deed Records and the Plat of Consolidation recorded in AFN. 201803230414 of Cuyahoga County Map Records.

Basis of Bearing:

The centerline of West 25th Street as North 05°34'58" East is an assumed bearing and is used to indicate angles only."

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 2937 W 25, 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.

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.

Amendments to Ord. No. 978-2019

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In Section 1, strike the legal description in its entirety and insert the following:

LEGAL DESCRIPTION
OF
PARCEL "AA"
WEST 25th STREET
PART OF P.P.N. 008-05-115
CITY OF CLEVELAND, OHIO

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Parcel "B" in the Plat of Consolidation of part of Original Brooklyn Township Lot No. 68, as shown by the plat recorded in AFN. 201803230414 of Cuyahoga County Records and further bounded and described as follows:

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Thence North 05°34'58" East along the easterly right of way of West 25th Street, 85.74 feet to a drill hole set;

Thence South 84°48'37" East, 60.00 feet to a 5/8" iron pin set;

Thence South 05°34'58" West, 85.74 feet to a drill hole set on the northerly right of way of Castle Avenue S.W.;

Thence North 84°48'37" West along the northerly right of way of Castle Avenue S.W., 60.00 feet to the easterly right of way of West 25th Street and to the **Principal Place of Beginning** and containing 0.1181 acres of land, as surveyed and described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in August 2019, subject to all legal highways, restrictions, reservations and easements of record.

Deeds of Reference:

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Thence South 00°00'27" West along the westerly line of land so conveyed to Charles Pfeil and Amanda Gartman, 69.57 feet to a drill hole set on the southerly line of Sublot No. 2 in the Hiram Stone's Allotment as shown by the plat recorded in Volume 1, Page 41-42 of Cuyahoga County Map Records;

Thence South 89°59'43" East along the southerly line of land so conveyed to Charles Pfeil and Amanda Gartman and the southerly line of said Sublot No. 2, 12.10 feet to a drill hole set on the easterly line of said Sublot No. 2;

Thence North 00°01'02" East along the easterly line of land so conveyed to Charles Pfeil and Amanda Gartman and the easterly line of said Sublot No. 2, 69.58 feet to a drill hole set on the southerly right of way of Seymour Avenue;

Thence North 89°59'58" East along the southerly right of way of Seymour Avenue, 25.00 feet to a 5/8" iron pin found at the northwesterly corner of land conveyed to Israel Lugo by the deed recorded in Volume 86-3854, Page 46 of Cuyahoga County Deed Records;

Thence South 00°01'02" West along the westerly line of land so conveyed to Israel Lugo, 140.02 feet to a point;

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Thence South 05°10'17" West along the westerly line of land so conveyed to HI-Yield Rentals 2408, LLC and the westerly line of land conveyed to HI-Yield Rentals 2408, LLC by the deed record in Auditor's File No. 201903210160 of Cuyahoga County Deed Records, 189.91 feet to a 5/8" iron pin found on the northerly right of way of Castle Avenue S.W.;

Thence North 84°48'37" West along the northerly right of way of Castle Avenue S.W., 346.25 feet to a drill hole set;

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Basis of Bearing:

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OF
PARCEL "BB"
2937 WEST 25th STREET
PART OF P.P.N. 008-05-115
CITY OF CLEVELAND, OHIO

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hence North 05°34'58" East continuing along the easterly right of way of West 25th Street, 208.85 feet to a drill hole set on the southerly right of way of Seymour Avenue (60 feet wide);

Thence North 89°59'58" East along the southerly right of way of Seymour Avenue, 171.42 feet to a drill hole set at the northwesterly corner of land conveyed to Charles Pfeil (1/2 interest) by the deed recorded in Volume 314, Page 45 of Cuyahoga County Deed Records and Amanda Gartman (1/2 interest) by the deed recorded in Volume 3175, Page 404 of Cuyahoga County Deed Records;

Thence South 00°00'27" West along the westerly line of land so conveyed to Charles Pfeil and Amanda Gartman, 69.57 feet to a drill hole set on the southerly line of Sublot No. 2 in the Hiram Stone's Allotment as shown by the plat recorded in Volume 1, Page 41-42 of Cuyahoga County Map Records;

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Thence North 00°01'02" East along the easterly line of land so conveyed to Charles Pfeil and Amanda Gartman and the easterly line of said Sublot No. 2, 69.58 feet to a drill hole set on the southerly right of way of Seymour Avenue;

Thence North 89°59'58" East along the southerly right of way of Seymour Avenue, 25.00 feet to a 5/8" iron pin found at the northwesterly corner of land conveyed to Israel Lugo by the deed recorded in Volume 86-3854, Page 46 of Cuyahoga County Deed Records;

Thence South 00°01'02" West along the westerly line of land so conveyed to Israel Lugo, 140.02 feet to a point;

Thence South 89°45'30" East along the southerly line of land so conveyed to Israel Lugo, the southerly line of lands conveyed to Campo 25, Inc. by the deed recorded in Auditor's File No. 201607150823 of Cuyahoga County Deed Records, and the southerly lines of lands conveyed to the City of Cleveland Land Reutilization Program by the deeds recorded in Auditor's File No. 201404250312, 201404250313, and 201404250314 of Cuyahoga County Deed Records, 184.55 feet to a 5/8" iron pin found at the northwesterly corner of land conveyed to HI-Yield Rentals 2480, LLC by the deed record in Auditor's File No. 201902200197 of Cuyahoga County Deed Records;

Thence South 05°10'17" West along the westerly line of land so conveyed to HI-Yield Rentals 2408, LLC and the westerly line of land conveyed to HI-Yield Rentals 2408, LLC by the deed record in Auditor's File No. 201903210160 of Cuyahoga County Deed Records, 189.91 feet to a 5/8" iron pin found on the northerly right of way of Castle Avenue S.W.;

Thence North 84°48'37" West along the northerly right of way of Castle Avenue S.W., 346.25 feet to a drill hole set;

Thence North 05°34'58" East, 85.74 feet to a 5/8" iron pin set;

Thence North 84°48'37" West, 60.00 feet to the easterly right of way of West 25th Street and to the **Principal Place of Beginning** and containing 2.1576 acres of land, as surveyed and described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in August 2019, subject to all legal highways, restrictions, reservations and easements of record.

Parcel "B" is subject to an existing easement for right of way from Louise F. Hochwalt and Mary K. Gunderman to Louise Pfeil recorded in Volume 1437, Page 333 of Cuyahoga County Deed Records.

Amendments to Ord. No. 978-2019

Deeds of Reference:

Land conveyed to 2937 W 25, LLC by deed dated December 29, 2017 and recorded in Auditor's File Number 201712290775 of Cuyahoga County Deed Records and the Plat of Consolidation recorded in AFN. 201803230414 of Cuyahoga County Map Records.

Basis of Bearing:

The centerline of West 25th Street as North 05°34'58" East is an assumed bearing and is used to indicate angles only."

Date: _____ (Signed): _____

George Peters
Assistant Director of Law

Ord. No. 978-2019