

Ordinance No. 503-2022

By Council Members Kazy and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for the City's public use located on Green Road in the City of Beachwood to Beachwood Green LLC, for purposes of commercial development.

WHEREAS, the Director of Public Utilities has requested the sale of the City-owned property to Beachwood Green LLC (the "Redeveloper") no longer needed for the City's public use and located on Green Road in the City of Beachwood for purposes of commercial development; and

WHEREAS, portions of Permanent Parcel Number 742-39-005 are not useful in the operation of the Department of Public Utilities, Division of Water, and the aggregate book value of said property is not more than one percent (1%) of the book value of the total assets of the Division of Water; 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 is no longer needed for the City's public use:

**LEGAL DESCRIPTION FOR:
Parcel 1 (12.2845 Acres)**

Situated in the City of Beachwood, County of Cuyahoga and State of Ohio and Known as being Parcel 1 as shown on Lot Split Plat for PPN 742-39-005 and being part of Original Warrensville Township Lot No. 68, as shown by recorded in Plat Volume _____, Page _____ of Cuyahoga County Records and containing 12.2845 acres of land but subject to easements of record and all legal highways.

Section 2. That by and at the direction of the Board of Control, the Mayor and the Commissioner of Purchases and Supplies are authorized to sell the above-described property to the Redeveloper at a price not less than the appraised value of \$1,050,000, which is determined to be fair market value, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deeds of conveyance.

Ordinance No. 503-2022

Section 3. 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. 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 Utilities is authorized to execute any documents as may be necessary to effectuate the purposes of this ordinance.

Section 5. That the proceeds of the sale of the above-described properties shall be deposited in the Additions and Improvements Fund, as required by Section 8.08(c) of the Amended and Restated Trust Indenture, as amended.

Section 6. 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.

CH:nl
5-16-2022
FOR: Director Keane

