

Ordinance No. 43-2021

By Council Members: Johnson, Brancatelli and Kelley (by departmental request)

An emergency ordinance to repeal Ordinance No. 201-2019, passed April 1, 2019, relating to the exchange of lands with the Cleveland Metropolitan School District for future redevelopment; and to authorize the Director of Community Development to enter into one or more agreements with the Board of Education of the Cleveland Metropolitan School District for the exchange of lands for future redevelopment and the mutual benefit of the parties; and authorizing the Commissioner of Purchases and Supplies to acquire and to convey the properties to the Cuyahoga Metropolitan Housing Authority for future redevelopment.

WHEREAS, Section 3313.40 of the Revised Code permits a board of education and a municipal corporation to exchange real estate upon a vote of a majority of members of the board of education and a concurring vote of the legislative authority declaring that said exchange will be mutually beneficial to both parties; 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 That Ordinance No. 201-2019, passed April 1, 2019, is repealed.

Section 2. That the Director of Community Development is authorized to enter into one or more agreements (“Agreement”) with the Board of Education of the Cleveland Metropolitan School District (“CMSD”) for the transfer of lands between the City and CMSD needed for future redevelopment and the mutual benefit of the parties, necessary to implement this ordinance, including but not limited to future occupancy conditions, reversionary rights, demolition of remaining school buildings if any, and site restoration of the CMSD properties.

Section 3. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development and the Commissioner of Purchases and Supplies are authorized to accept from CMSD title to Permanent Parcel Nos. 126-18-018, 126-18-019, 126-18-021, 126-18-022, 126-18-023, 126-18-024, 126-18-025, 126-18-026, 126-18-027, 126-18-028, 126-18-062, 126-18-065, and 126-18-066 which are more fully described as follows:

Permanent Parcel Number: 126-18-018

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Being Sublot No. 46 in J.T. Wamelink’s Subdivision of part of Original 100 Acres lot No. 425, as shown by the recorded plat in Volume 5 of Maps, Page 51 of Cuyahoga County

Records, and being 50 feet front on the Northeasterly side of Buckeye Road S.E. and extending back of equal width 140 feet deep, as appears by said plat.

Permanent Parcel Number: 126-18-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 47 in the J.T. Wamelink's Resubdivision of part of Original 100 Acre Lot Nos. 425 and 424, as shown by the recorded plat in Volume 23 of Maps, Page 13 of Cuyahoga County Records and bound and described as follows:

Beginning at a point in the Northeasterly line of Buckeye Road, S.E. (formerly South Woodland Avenue) at the Southeast corner of Sublot No. 47;

Thence Northwesterly along the Northeasterly line of Buckeye Road S.E., 42 feet;

Thence Northeasterly parallel with Southeasterly line of said Sublot, 75 feet;

Thence Southeasterly parallel with the Southerly line of said Sublot, 42 feet to the Southeasterly line of said Sublot;

Thence Southwesterly along the southeasterly line of said Sublot, 75 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel Number: 126-18-021

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being Sublot No. 48 in J.T. Wamelink's Resubdivision of a part of Original One Hundred Acre Lot No. 425 as shown by the recorded plat of said Resubdivision in Volume 23 of Maps, Page 13 of Cuyahoga County Records, and being 50 feet front on the Northeasterly side of Buckeye Road S.E. and extending back of equal width 140 feet deep, as appears by said plat be the same more or less, but subject to all legal highways.

Permanent Parcel Number: 126-18-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as all of sub lots numbers thirty one (31), thirty two (32), thirty three (33), thirty four (34) forty nine (49), fifty (50), fifty one (51) and fifty two (52) and a strip nine feet and ten inches (10) wide off from the easterly side of sub lot thirty (30) and a strip thirty feet and two (2) inches wide off from the westerly side of sub lot thirty five (35) in John T. Wamelink's subdivision of a part of original one hundred acre lot number four hundred and twenty five (425) as recorded in book five (5) Page fifty one (51) of Cuyahoga County Record of maps and the subdivision as shown on said maps. Said sub lots numbers thirty one (31) thirty two (32) thirty three (33) thirty four (34) and parts of lots numbers thirty (30) and thirty five (35) together make two hundred feet front on the southerly side of Wamelink Street, and extend back of equal width one hundred and thirty (130) feet and said sub lots numbers forty nine (49) fifty (50) fifty one (51) and fifty two (52)

have each a frontage of fifty (50) feet on the northerly side of Woodland Avenue, and extend back of equal width one hundred and forty feet. All of said land herein conveyed is bounded as follows to wit: Commencing at the southwesterly corner of said lot number fifty two (52) on Woodland Avenue, running thence easterly along the northerly line of said Woodland Avenue two hundred (200) feet to the southeasterly corner of said sub lot number forty nine (49) Thence northerly at right angles with said Woodland Avenue two hundred and seventy (270) feet to the southerly line of Wamelink Street, thence westerly on the southerly line of Wamelink Street two hundred (200) feet, thence southerly on a line parallel with the easterly line to the place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel Number: 126-18-023

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being Sublot No. 21 in the J.T. Wamelink's Resubdivision of a part of Original One Hundred Acre Lots 424 and 425 as the shown by the recorded plat of said Resubdivision in Volume 23 of Maps, Page 13 of Cuyahoga County Records, and also being the Southeasterly 4 inches of Sublot No. 55 in the J.T. Wamelink's Allotment of part of Original One Hundred Acre Lot. No. 425, as shown by the recorded plat in Volume 5 of Maps, Page 51 of Cuyahoga County Records and together forming a parcel of land 50 feet, 4 inches front on the Northeasterly side of Buckeye Road, S.E. (formerly Woodland Avenue) and extending back of equal width 140 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel Number: 126-18-024

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being the Northwesterly 49 feet 8 inches of Sublot No.55 in J.T. Wamelink's Resubdivision of J.T. Wamelink's Subdivision of a part of Original One Hundred Acre Lot No. 425 as shown by the recorded plat in Volume 5 of Maps, Page 51 of Cuyahoga County Records, and being 49 feet 8 inches front on the Northeasterly side of Buckeye Road, (formerly Woodland Avenue), and extending back of equal width 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel Number: 126-18-025

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being Sublot No. 10 in J.T. Wamelink's Resubdivision of J.T. Wamelink's Subdivision of a part of Original One Hundred Acre Lots 424 and 425 as shown by the recorded plat of said Resubdivision in Volume 23 of Maps, Page 13 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Permanent Parcel Number: 126-18-026

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being Sublot No. 9 in J.T. Wamelink's Resubdivision of J.T. Wamelink's Subdivision of a part of Original One Hundred Acre Lots 424 and 425 as the shown by the recorded plat

of said Resubdivision of in Volume 23 of Maps, Page 13 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Permanent Parcel Number: 126-18-027

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being Sublot No. 8 in J.T. Wamelink's Resubdivision of J.T. Wamelink's Subdivision of a part of Original One Hundred Acre Lots 424 and 425 as shown by the recorded plat of said Resubdivision in Volume 23 of Maps, Page 13 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Permanent Parcel Number: 126-18-028

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 7 in J.T. Wamelink's Resubdivision of part of Original One Hundred Acre Lot Nos. 424 and 425 as shown by the recorded Plat in Volume 23 of Maps, Page 13 of Cuyahoga County Records, and being 35 feet front on the Northeasterly side of Buckeye Road, S.E., and extending back 119.54 feet on the Northwesterly line, 131.93 feet on the Southeasterly line, and having a rear line of 37.13 feet, as appears by said Plat, be the same more or less, but subject to II legal highways.

Permanent Parcel Number: 126-18-062

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being the Northwesterly 2-76/100 feet of Sublot No. 18 and the Southeasterly 38-24/100 feet of Sublot No. 17 in the J.T. Wamelink's Resubdivision of the J.T. Wamelink's Subdivision as shown in Volume 23 of Maps, Page 13 of Cuyahoga County Records and together forming a parcel of land 41 feet front on the Southeasterly side of Wamelink Street (now known as Wamelink Avenue S.E.) and extending back of equal width 130 feet deep, be the same more or less, but subject to all legal highways.

Permanent Parcel Number: 126-18-065

Situated in the City of Cleveland and, County of Cuyahoga and State of Ohio and known as being the Northwesterly 34 feet from front to rear of Sublot No. 34 in The J. T. Wamelink's Resubdivision of part of Original One Hundred Acre Lots Nos. 424 and 425, as shown by the recorded plat in Volume 23 of Maps, Page 13 of Cuyahoga County Records, and being 34 feet front on the Southwesterly side of Wamelink Street, known now as Wamelink Avenue S.E., and extending back of equal width 130 feet deep, as appears by said plat, he the same more or less, but subject to all legal highways.

Permanent Parcel Number: 126-18-066

Situated in the City of Cleveland., County of Cuyahoga and State of Ohio and being part of Sublot Nos. 33 and 34 in J.T. Wamelink's Re-Subdivision of part of Original One Hundred Acre Lot Nos. 424 and 425 as shown by the recorded plat in Volume 23 of Maps, Page 13 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Southwesterly line of Wamelink Avenue, S.E., (formerly Wamelink Street) at a point one foot northwesterly measured along said southwesterly line from the most Easterly corner of said Sublot No. 33;

Thence Northwesterly along said Southwesterly line of Wamelink Avenue, S.E., 35 feet;

Thence southwesterly parallel with the Southerly line of said Sublot No. 34, 130 feet to the Southwesterly line of Sublot Nos.33 and 34, thereon;

Thence southeasterly along the said Southwesterly lines 16 feet;

Thence northeasterly parallel with the northwesterly line of said Sublot No. 33, 10 feet;

Thence southeasterly parallel with the southwesterly line of said Sublot No. 33, 19 feet;

Thence northeasterly parallel with the southeasterly line of said Sublot No. 33, 120 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 4. That in accordance with R.C. Chapter 5722 and according to the Agreement referenced above and by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey Permanent Parcel No. 106-18-007 to CMSD, which is more fully described as follows:

Parcel No: 106-18-007

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original One Hundred Acre Lot No. 342, and bounded as follows:

Beginning on the Northeasterly line of Addison Road, N.E., formerly Addison Avenue, at the intersection of said Northeasterly line with the Northerly line of a parcel of land conveyed by George P. Smith to Sara P. Everett by deed recorded in Volume 175, Page 65 of Cuyahoga County Records; thence Southerly along the Northeasterly line of Addison Road, N.E., 96.6 feet to the Northerly line of Everett Avenue, N.E.; thence Easterly along said northerly line of Everett Avenue, N.E. 120 feet; thence Northerly along the line drawn at right angles to said Northerly line of Everett Avenue, N.E., 80 feet to the Northerly line of land conveyed to Sarah P. Everett, as aforesaid; thence Westerly along the Northerly line of land conveyed to Everett, 173.18 feet to the place of beginning , and being further known as Sublots Nos. 1 and 2 in the Sarah A. Dellenbaugh's Proposed Subdivision of part of Original One Hundred Acre Lot No. 342, be the same more or less, but subject to all legal highways.

Section 5. That this Council finds that the transactions contemplated in this ordinance are mutually beneficial to the City and the CMSD.

Section 6. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire, accept, record, and convey the properties.

Section 7. That the conveyances 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 parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 8. That notwithstanding and as an exception to the provisions of Chapters 183.07 of the Codified Ordinances of Cleveland, Ohio, 1976, the transfer of properties between CMSD and the City are at no cost to either party, with all of the transactions together acknowledged and determined to be a fair market value transaction.

Section 9. That at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property received by the City from CMSD under the authority of this ordinance to the Cuyahoga Metropolitan Housing Authority or its designee, for \$200 which is determined to be fair market value 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 10. 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 parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 11. 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.

Passed March 1, 2021.

Effective March 2, 2021.