

Ordinance No. 1386-2023

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

AN EMERGENCY ORDINANCE

Authorizing the Directors of Public Works and Community Development to enter into an agreement with Paisano Properties, Inc., for the exchange of properties needed for the City's Lake Park Improvement Project; and authorizing the Mayor and the Commissioner of Purchases and Supplies to acquire and convey the properties.

WHEREAS, the Departments of Public Works and Community Development desire to enter into one or more agreements with Paisano Properties, Inc., or its designee, ("Paisano") providing for the exchange of real properties necessary for the City's improvements to Lake Park located on West 85th Street between Detroit Avenue and Lake Avenue, Permanent Parcel No. 001-08-015, as part of the Lake Park Improvement Project (the "Project"); and

WHEREAS, two of the properties that are part of the Project, Permanent Parcel Nos. 001-08-024 and 001-08-025, are components of the City of Cleveland's Land Reutilization Program (the "Land Bank"), and are further described in the file mentioned below, and, as such, can be sold under Section 5722.07 of the Ohio Revised Code for not less than fair market value under the policies of the Land Bank and subject to such restrictions and covenants as appropriate to assure the land's effective reutilization; 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 the Directors of Public Works and Community Development are authorized to enter into an agreement(s) with Paisano for the exchange and sale of properties between the City of Cleveland and Paisano. Any agreements will include, among other things, the sale to Paisano of a portion of Lake Park at Permanent Parcel No. 001-08-015, currently under the control of the City, in addition to the swap-exchange between the City of Cleveland and Paisano of portions of two Land Bank parcels at Permanent Parcel Nos. 001-08-024 and 001-08-025, currently under the control of the City, for a portion of Permanent Parcel No. 001-08-021, currently under the control of Paisano.

Section 2. 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 a portion of Lake Park at Permanent Parcel No. 001-08-015 is no longer needed for public use and is more fully described in **File No. 1386-2023-A**.

Section 3. 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 portion of Permanent Property No. 001-08-015 to Paisano at the appraised price of \$7,250.00, which is determined to be fair market value, taking into account all

Ordinance No. 1386-2023

restrictions, reversionary interests, and similar encumbrances as may be placed by the City of Cleveland in the deed of conveyance.

Section 4. 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 Commissioner of Purchases and Supplies are authorized to acquire a portion of Permanent Parcel No. 001-08-021 from Paisano for purposes of future redevelopment, more fully described in the above mentioned file, in a swap-exchange for portions of Permanent Parcel Nos. 001-08-024 and 001-08-025.

Section 5. That the consideration to be paid for the swap-exchange detailed in Section 4 above shall not exceed \$1.00 and other valuable consideration, which is determined to be fair market value.

Section 6. That the Directors of Public Works and Community Development are authorized to execute on behalf of the City of Cleveland all necessary documents to acquire, accept, record, and convey the properties identified in Section 1.

Section 7. That this Council finds that the conveyance to Paisano constitutes a public use of the property for the purposes of redevelopment.

Section 8. 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 9. 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.

KR:nl
12-4-2023
FOR: Directors Williams and Hernandez

