

# Ordinance No. 285-2020 ( As Amended )

**Council Members McCormack, 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 The Sherwin-Williams Company, or its designee, located at Public Square West and the corner of Superior Avenue and West 6<sup>th</sup> 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.

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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, The Sherwin-Williams Company, or its designee, for a nominal consideration of one dollar and other valuable consideration determined to be fair market value, the following property (the “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: Parcel Numbers: 101-10-002 to 015; 101-10-030 to 037; 101-10-051 to 059; 101-07-008 thru 101-07-018, and are more fully described in **File No. 285-2020-A**, **File No. 285-2020-B**

**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 The Sherwin-Williams Company, 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.

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**Section 4.** That through the City's acquisition of the Property and the City's reconveyance of the Property to The Sherwin-Williams Company, the City is engaged in urban redevelopment.

**Section 5.** That the Property is not needed for a municipal purpose.

**Section 6.** That waiving competitive bidding in connection with the City's reconveyance of the Property to The Sherwin-Williams Company is justified and reasonable because the property conveyances are necessary for the project.

**Section 7.** That the conveyances shall be made by official deeds 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 8.** That this ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and to enable The Sherwin-Williams Company to proceed immediately with the approval process for and design and construction of its global headquarters facility so that it has the opportunity to commence certain pre-construction activities before the end of the 2020 construction period and create construction and permanent jobs in the City without delay; 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.

SMA:nl  
2-24-20

FOR: Director Ebersole

## **Amendment to Ord. No.285-2020**

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

1. In Section 1, line 10, strike "File No. 285-2020-A" and insert "File No. 285-2020-B".

Date: \_\_\_\_\_ (Signed): \_\_\_\_\_  
Steven Martinek  
Assistant Director of Law

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