

Ordinance No. 230-2021

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell certain City-owned property not needed for public use located at 5470 Lake Court to SCN Services LLC for purposes of business expansion; and proffering certain representations for purposes of the Amended and Restated Trust Indenture from the City of Cleveland.

WHEREAS, the Director of Public Utilities has requested the sale of certain City-owned properties to SCN Services LLC (“SCN”) not needed for public use and located at 5470 Lake Court for purpose of business expansion; and

WHEREAS, Permanent Parcel Nos. 105-04-016, 105-04-017, and 105-04-018 are located at 5470 Lake Court, are not useful in the operation of the Division of Cleveland Public Power (“CPP”), and the aggregate book value of these CPP properties is not more than one percent (1%) of the book value of the total assets of CPP; 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 properties, Permanent Parcel Nos. 105-04-016, 105-04-017 and 105-04-018, are not needed for public use:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot Nos. 10, 11 and the Westerly 26 feet of Sublot No. 12 in J. B. Bruggeman’s Subdivision of part of Original Ten Acre Lot No. 166 as shown by the recorded plat in Volume 5 of Maps, Page 44 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 106 feet on the Southerly side of Lake Court N.E., (formerly Lakeview Avenue), and extending back of equal width 120 feet, as appears by said plat, be the same more or less, but subject to 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 properties to SCN at the appraised value of \$12,000, 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.

Section 3. That the conveyances 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 deeds 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 System Enhancement Fund, as required by 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.

Referred to the Directors of Public Utilities; City Planning Commission; Finance; and Law; Committees on Utilities; Development, Planning and Sustainability; and Finance.