

Ordinance No. 1439-2019

Council Member(s) Griffin, Brancatelli and Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Community Development and the Commissioner of Purchases and Supplies to enter into one or more agreements with The Inspirion Group, Ltd., or its designee, providing for the exchange of real properties necessary for the development of a mixed-use project at East 90th Street and Chester Avenue.

WHEREAS, the Department of Community Development desires to enter into one or more agreements with The Inspirion Group, Ltd., or its designee, (“Inspirion”), providing for the exchange of real properties necessary for the development of a mixed-use project at East 90th Street and Chester Avenue; and

WHEREAS, one of the City properties to be transferred to Inspirion is a component of the City of Cleveland’s land reutilization program and, as such, can be sold under Section 5722.07 of the Revised Code for not less than fair market value under the policies of the Land Reutilization Program 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 notwithstanding and as an exception to the provisions of Chapters 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 enter into one or more agreements for and on behalf of the City of Cleveland with Inspirion providing for the exchange of real property, including transfer of fee title to Inspirion of some or all of the following described City property, known as Permanent Parcel Nos. 119-08-039, 119-08-040 and 119-08-020:

PPN 119-08-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:

And known as being all of Sublot No. 15 in S.V. Harkness Subdivision as shown by the recorded plat in Volume 31 of Maps, Page 8 of Cuyahoga County Records, and the Easterly 42.25 feet of Sublot No. 11 in Ira Adams Allotment as shown by the recorded plat in Volume 6 of Maps, Page 8 of Cuyahoga County Records, part of original One Hundred Acre Lot No. 400 and together forming a parcel of land 60 feet front on the Westerly side of East 90th Street (formerly Harkness Avenue) and extending back of equal width 183.25 feet as appears by said plat.

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Subject to Zoning Ordinances, if any.

PPN 119-08-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:

And known as the Southerly 30 feet of Sublot No. 32 in S.V. Harkness' Subdivision of part of Original One Hundred Acre Lot No. 400, as shown by the recorded plat in Volume 31 of Maps, Page 8 of Cuyahoga County Records, and being 30 feet front on the Easterly side of East 90th Street, (formerly Harkness Avenue), and extending back of equal width 141 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

PPN 119-08-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 30 feet front to rear of Sub Lot No. 32 in S. V. Harkness' Subdivision of part of Original One-Hundred Acre Lot No. 400, as shown by the recorded plat in Volume 31 of Maps, Page 8 of Cuyahoga County Records, and being 30 feet front on the Easterly side of East 90th Street, (formerly Harkness Avenue), and extending back of equal width 141 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the agreement shall also provide that Inspirion shall transfer fee title to the City of Cleveland Land Reutilization Program of the following described Inspirion property, known as Permanent Parcel Nos. 119-08-043 and 119-08-044.

Section 3. That the agreements authorized shall be prepared by the Director of Law and shall include assurances that the exchanges were conducted using fair market values, as determined by the Board of Control; and that the City property being transferred to Inspirion are subject to restrictions and covenants as the Director of Community Development deems necessary or appropriate to assure the land's effective reutilization.

Section 4. That the conveyances referred to above shall be made by official Quitclaim deeds prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deeds shall contain provisions necessary to protect the parties and their respective interests, including restrictive covenants deemed necessary by the Directors of Community Development and Law, and shall specifically contain

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provisions against the erection of any advertising signs or billboards, excepting permitted identification signs.

Section 5. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to exchange the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits and all other costs necessary for the transfer of the properties.

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.

GEP:nl
11-18-19

FOR: Director Menesse

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**REPORT
after second Reading**

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READ FIRST TIME on November 18, 2019
and referred to DIRECTORS of Community Development, Finance, Law;
COMMITTEES on Development Planning and Sustainability, Finance

REPORTS

CITY CLERK

READ SECOND TIME

by the council

CITY CLERK

READ THIRD TIME

by the council

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ Page _____
Published in the City Record _____

PASSAGE RECOMMENDED BY
COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

