

Ordinance No. 613-2024

**By Council Members Hairston and Griffin
(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 Land Assembly for Neighborhood Development, Ltd., or its designee, providing for the option to purchase and sale of City owned property and to enter into one or more agreements with STA Realty, Inc., and Land Assembly for Neighborhood Development, Ltd., or their successors and assigns, providing for the purchase of certain real properties located primarily in the Upper Chester area of the Hough neighborhood.

WHEREAS, the Department of Community Development desires to enter into one or more agreements with Land Assembly for Neighborhood Development, Ltd., or its designee (“LAND”), a subsidiary of Cleveland Neighborhood Progress, providing for the option to purchase and sale of seventeen real properties owned by, or under the control of, the Department of Community Development located in the Jefferson and Collinwood neighborhoods and the purchase of eight properties owned by STA Realty, Inc., or its successors and assigns (“STA”), and one property owned by LAND in the Upper Chester area of the Hough neighborhood; and

WHEREAS, the City properties are no longer needed for the City’s public use; and

WHEREAS, sixteen of the City properties to be transferred to LAND, Permanent Parcel Nos. 021-26-059, 021-29-013, 021-29-017, 113-04-015, 113-04-016, 113-04-021, 113-04-078, 113-04-079, 113-04-080, 113-07-035, 113-25-007, 114-03-135, 114-09-052, 114-11-073, 114-20-099, and 114-21-134, are components 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 a five-year Option to Purchase Agreement for and on behalf of

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the City of Cleveland with LAND providing for the sale of real property, including transfer of fee title to LAND of the following described properties: Permanent Parcel Nos. 021-26-059, 021-29-013, 021-29-017, 113-04-015, 113-04-016, 113-04-021, 113-04-078, 113-04-079, 113-04-080, 113-07-035, 113-25-007, 113-025-008, 114-03-135, 114-09-052, 114-11-073, 114-20-099, and 114-21-134.

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 convey, under the five-year Option Agreement, Permanent Parcel No. 113-025-008 to LAND at a price not less than \$145,700.00, which is determined to be fair market value and the sixteen Permanent Parcel Nos. 021-26-059, 021-29-013, 021-29-017, 113-04-015, 113-04-016, 113-04-021, 113-04-078, 113-04-079, 113-04-080, 113-07-035, 113-25-007, 114-03-135, 114-09-052, 114-11-073, 114-20-099, and 114-21-134 currently in the Land Bank at a gross price of \$151,310.00, which is determined to be fair market value. The cost of the five-year Option Agreement and the City parcels are determined to be the same as the acquisition price in Section 4 below.

Section 3. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the agreement shall also provide that the Mayor and Commissioner of Purchases and Supplies are authorized to acquire the following eight Permanent Parcels from STA and one Permanent Parcel from LAND for purposes of future development in the Upper Chester area of the Hough neighborhood:

<u>STA Permanent Parcel Numbers</u>	<u>Address</u>
119-09-002	1819 East 89 th Street
119-09-073	9277 Amesbury Avenue
119-12-026	10012 Lamont Avenue
119-12-078	9726 Woodward Avenue
119-12-079	9728 Woodward Avenue
119-12-080	9732 Woodward Avenue
119-12-081	9802 Woodward Avenue
119-12-098	Woodward Avenue

<u>LAND Permanent Parcel Number</u>	<u>Address</u>
119-09-057	1755 East 90 th Street

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Section 4. That the consideration to be paid for the properties described in Section 3 above shall not exceed fair market value of \$297,010.00 and is determined to be the same as the cost of the five-year Option Agreement and parcels to be sold in Section 2 above.

Section 5. That all costs of acquiring, accepting, and recording the land shall be paid from funds approved by the Director of Finance.

Section 6. 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 properties being transferred to LAND are subject to restrictions and covenants as the Director of Community Development deems necessary or appropriate to assure the land's effective reutilization.

Section 7. That the conveyances referred to above 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. The deeds shall contain provisions necessary to protect the parties and their respective interests, 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 provisions against the erection of any advertising signs or billboards, excepting permitted identification signs.

Section 8. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to exchange the properties identified in this ordinance 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 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.

