

Ordinance No. 1023-2021

By 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 KD 55 Public Square LLC, or its designee, located at 55 Public Square 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 for the 55 Public Square Redevelopment Project.

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, KD 55 Public Square LLC, or its designee, for a nominal consideration of one dollar and other valuable consideration determined to be fair market value, the following 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, reserving to the City the beneficial interest in and title to the described easements of record. The Real Property is more fully described below and as may subsequently be replatted, re-numbered, or revised:

Parcel No. 1: Fee Simple (PPNs: 101-07-004, 006 and 007)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot Nos. 19, 20 and 21, part of Sublot Nos. 18 and 22, part of Alleys Nos. 1 and 2 (now vacated) all in Simon Perkins Subdivision of part of Original Two Acre Lot Nos. 55, 56 and 57, as shown by the recorded plat in Volume F of Deeds, Pages 264 and 265 of Cuyahoga County Records, part of Broome Court N.W. (now vacated), and part of Original Two Acre Lot Nos. 58 and 59, and bounded and described as follows:

Beginning at a point in the centerline of St. Clair Avenue N.W., 99 feet wide, at its intersection with the centerline of West 3rd Street, formerly Seneca Street, 99 feet wide, and from which point an iron monument found in the centerline of West 3rd Street bears South 34 deg. 03' 42" East, 0.10 feet;

thence North 55 deg. 56' 37" East along the centerline of St. Clair Avenue, 132.92 feet to a nail set at its intersection with the Northeasterly line of said Original Lot No. 57;

thence South 34 deg. 03' 33" East along the Northeasterly line of said Original Lot No. 57, 49.50 feet to a drill hole set at its intersection with the Southeasterly line of St. Clair Avenue, and the principal place of beginning of the parcel herein described;

thence North 55 deg. 56' 37" East along the Southeasterly line of St. Clair Avenue, 66.59 feet to a drill hole set at its intersection with the Southwesterly line of a parcel of land

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conveyed to First Union Real Estate Equity and Mortgage Investments by deed recorded in Volume 98-01915, Page 30;

thence South 34 deg. 03'23" East along the Southwesterly line of said land conveyed to First Union Real Estate Equity and Mortgage Investments, 173.74 feet to its intersection with the Southeasterly line of said land so conveyed;

thence North 55 deg. 53'12" East along the Southeasterly line of said land conveyed to First Union Real Estate Equity and Mortgage Investments, being also the centerline of vacated Broome Court N.W., formerly 16.5 feet wide, 142.80 feet to a nail set at its intersection with the Southwesterly line of a parcel of land acquired by the City of Cleveland by means of said vacation of Broome Court N.W.;

thence South 34 deg. 06' 48" East along the Southwesterly line of said land acquired by the City of Cleveland, 8.25 feet to a nail set at its intersection with the Northwesterly line of a parcel of land conveyed to the City of Cleveland for the widening of West 2nd Place by deed recorded in Volume 9085, Page 430 of Cuyahoga County Records;

thence South 55 deg. 53'12" West along the Northwesterly line of said land conveyed to the City of Cleveland, 6.00 feet to a nail set at its intersection with the Southwesterly line of said land so conveyed;

thence South 34 deg. 03' 04" East along the Southwesterly line of said land conveyed to the City of Cleveland, 153.89 feet to its intersection with the Northwesterly line of Frankfort Avenue N.W., 45 feet wide, from which point a nail set bears North 55 deg. 55' 06" East, 6.00 feet;

thence South 55 deg. 55' 06" West along the Northwesterly line of Frankfort Avenue N.W., 286.76 feet to a drill hole set at its intersection with the Northeasterly line of West 3rd Street;

thence North 34 deg. 03' 42" West along the Northeasterly line of West 3rd Street, 253.05 feet to its intersection with the Southeasterly line of a parcel of land conveyed to Prime Properties Limited Partnership by deed recorded in Volume 91-4116, Page 33 of Cuyahoga County Records, and from which point a drill hole set bears South 55 deg. 54' 58" West 1.00 foot;

thence North 55 deg. 54' 58" East along the Southeasterly line of said land conveyed to Prime Properties Limited Partnership, being also the Southeasterly line of Sublot No. 17 in said Simon Perkins Subdivision and its Northeasterly prolongation, 83.41 feet to a drill hole set at its intersection with the Northeasterly line of said land so conveyed;

thence North 34 deg. 03' 33" West along the Northeasterly line of said land conveyed to Prime Properties Limited Partnership, being also the Northeasterly line of said Original Lot No. 57, 82.78 feet to the principal place of beginning, and containing 65,688 square feet or 1.5080 acres of land.

Parcel No. 2: Easement

Easement for the purpose of keeping and maintaining any and all snow melting coils, pipes, tubing or like equipment as reserved in the Quit Claim Deed from 55 Public Square, Inc. to the City of Cleveland filed for record June 2, 1958 and recorded in Volume 9085, Page 430 of Cuyahoga County Records; the easement premises more accurately described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot No. 59, and bounded and described as follows:

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Beginning at a point in the Northwesterly line of Frankfort Avenue, N.W., 45 feet wide, at its intersection with the Southwesterly line of a parcel of land conveyed to the City of Cleveland by deed recorded in Volume 6488, Page 224 of Cuyahoga County Records;

thence South 55 deg. 55' 06" West along the Northwesterly line of Frankfort Avenue, 6.00 feet to its intersection with the Northeasterly line of a parcel of land conveyed to Robert F. Black, et al, Trustees of First Union Realty, by deed recorded in Volume 10664, Page 461 of Cuyahoga County Records;

thence North 34 deg. 03' 04" West along the Northeasterly line of said land conveyed to Robert F. Black, et al, 153.89 feet to its intersection with the Southeasterly line of Broome Court N.W., 16.5 feet wide, now vacated;

thence North 55 deg. 53' 12" East along the Southeasterly line of Broome Court, now vacated, 6.00 feet to its intersection with the Southwesterly line of said land conveyed to the City of Cleveland;

thence South 34 deg. 03' 04" East along the Southwesterly line of said land conveyed to the City of Cleveland, 153.90 feet to the place of beginning.

Parcel No. 3: Easement

Together with the rights in and to the Pedestrian Bridge Easement, the Utility Easement and the City Delivery Easement set forth in that Reciprocal Easement Agreement by and between 55 Public LLC and The City of Cleveland, Ohio, dated August 28, 2003 and recorded as Cuyahoga County Recorder's Document No. 200308290199 and described by metes and bounds as follows:

Pedestrian Bridge Easement Area:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Two Acre Lot 58 and part of Broome Court N.W. (now vacated), and bounded and described as follows:

Beginning at the most southerly corner of a parcel of land conveyed to CEI Venture LLC by deed recorded as A.F.N. 200102220641 of Cuyahoga County Records;

Thence North 55 degrees 53 minutes 12 seconds East along the southeasterly line of said land conveyed to CEI Venture LLC, 49.20 feet to its intersection with the southwesterly line of an overhead pedestrian bridge, and the principal place of beginning of the easement herein described;

Thence North 34 degrees 03 minutes 23 seconds West along the southwesterly line of said overhead bridge, 6.03 feet to its intersection with the southeasterly face of an existing building;

thence North 55 degrees 53 minutes 12 seconds East along the southeasterly face of said existing building, 8.30 feet to its intersection with the northeasterly face of said overhead bridge;

Thence South 34 degrees 03 minutes 23 seconds East along the northeasterly face of said overhead bridge, 6.03 feet to its intersection with the southeasterly line of said land conveyed to CEI Venture LLC;

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Thence South 55 degrees 53 minutes 12 seconds West along the southeasterly line of said land conveyed to CEI Venture LLC, 8.30 feet to the principal place of beginning.

Utility Easement Area:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Two Acre Lot 59 and part of Broome Court N.W. (now vacated), and bounded and described as follows:

Beginning at the most easterly corner of a parcel of land conveyed to CEI Venture LLC by deed recorded as A.F.N. 200102220641 of Cuyahoga County Records;

Thence South 55 degrees 53 minutes 12 seconds West along the southeasterly line of said land conveyed to CEI Venture LLC, 26.48 feet to a point;

Thence North 34 degrees 03 minutes 04 seconds West, 2.43 feet to a point in the northwesterly edge of an existing asphalt alley turnout;

Thence northeasterly along the curved northwesterly edge of said existing turnout, being the arc of a curve deflecting to the left, 9.91 feet to a point, said arc having a radius of 16.73 feet, a central angle of 33 degrees 56 minutes 28 seconds, and a chord which bears North 38 degrees 07 minutes 57 seconds East, 9.76 feet;

Thence North 16 degrees 08 minutes 38 seconds East along the westerly edge of said existing turnout, 15.25 feet to a point;

Thence North 1 degree 33 minutes 19 seconds West along the westerly edge of said existing turnout, 10.18 feet to its intersection with the northeasterly line of said land conveyed to CEI Venture LLC;

Thence South 34 degrees 03 minutes 04 seconds East along the northeasterly line of said land conveyed to CEI Venture LLC, 23.74 feet to the place of beginning.

City Delivery Court Easement Area:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Two Acre Lots 58 and 59 and part of Broome Court N.W. (now vacated), and bounded and described as follows:

Beginning at the most southerly corner of a parcel of land conveyed to CET Venture LLC by deed recorded as A.F.N. 200102220641 of Cuyahoga County Records;

Thence North 34 degrees 03 minutes 23 seconds West along the southwesterly line of said land conveyed to CEI Venture LLC, 6.03 feet to its intersection with the southeasterly line of an existing building;

Thence North 55 degrees 53 minutes 12 seconds East along the southeasterly line of said existing building, 58.13 feet to a point;

Thence easterly along the curved northerly line of an existing alley, being the arc of a curve deflecting to the left, 5.65 feet to a point, said arc having a radius of 3.60 feet, a central angle of 90 degrees 00 minutes 00 seconds, and a chord which bears South 79 degrees 06 minutes 48 seconds East, 5.09 feet;

Thence North 55 degrees 53 minutes 12 seconds East along the northwesterly line of said existing alley, 59.59 feet to a point;

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Thence northeasterly along the curved northwesterly line of said existing alley, being the arc of a curve deflecting to the left, 9.91 feet to a point, said arc having a radius of 16.73 feet, a central angle of 33 degrees 56 minutes 28 seconds, and a chord which bears North 38 degrees 07 minutes 57 seconds East, 9.76 feet;

Thence North 16 degrees 08 minutes 38 seconds East along the westerly line of said existing alley turnout, 15.25 feet to a point;

Thence North 1 degree 33 minutes 19 seconds West along the westerly line of said existing alley turnout, 10.18 feet to its intersection with the northeasterly line of said land conveyed to CEI Venture LLC;

Thence South 34 degrees 03 minutes 04 seconds East along the northeasterly line of said land conveyed to CEI Venture LLC, 23.74 feet to its intersection with the southeasterly line of said land so conveyed;

Thence South 55 degrees 53 minutes 12 seconds West along the southeasterly line of said land conveyed to CEI Venture LLC, 147.80 feet to the place of beginning.

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 property and to employ and to cause KD 55 Public Square LLC, 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 property.

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 and the subject property is located in a blighted area of an impacted City as required by Section 5709.41 of the Revised Code.

Section 4. That the conveyance 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.

Section 5. 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.

SMA:nl
11-18-2021
FOR: Interim Director Ebersole

