

# Ordinance No. 1039-2022

**By Council Members McCormack, Hairston and Griffin (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 1209 Fairfield, LLC, or its designee, located at 1111 Fairfield Avenue 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 Driftwood Mixed-Use Development 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, 1209 Fairfield, 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. The Real Property is more fully described below and as may subsequently be replatted, re-numbered, or revised:

PPN: 004-12-083

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio:  
And known as being the Northerly 33 feet of Sublot No. 78, in John G. Jennings' University Heights Subdivision, of part of Original Brooklyn Township Lots Nos. 87 and 71, as shown by the recorded plat in Volume 1 of Maps, page 15, of the Cuyahoga County Records, and being 33 feet front on the Westerly side of West 11th Street (formerly Merchants Avenue), and extending back of equal width 228 feet 5 inches, as appears by said plat, be the same more or less, but subject to all legal highways.  
017024 DE-01  
Parcel 1 – 0.8771 Acres

PPN: 004-12-128

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Sublots No. 30, 32, 76 and 77 of the John G. Jennings University Hts. Subdivision as Recorded in Plat Volume 1, Page 15 and part of original Brooklyn Township No. 87; being Parcel 1, of the Lot Consolidation Plat as recorded in plat AFN 202207250058 of the Cuyahoga County Recorder's Office, containing 0.8771 acres, 38,206 square feet of land and being the same more or less, but subject to all legal highways and easements of record.

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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 cause 1209 Fairfield, LLC, or its designee, to employ, and 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 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.

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  
10-10-2022  
FOR: Director Jackson

