

LEGISLATIVE SUMMARY
Mayor's Office of Capital Projects
Division of Real Estate

**LEASE AND PROPERTY ADOPTION AGREEMENT WITH DEVELOPER
FOR SHORELINE APARTMENTS PHASE 2
AKA LANDMARK AT THE LAKE APARTMENTS**

Ordinance No:	839-2021
Legislative Purpose:	Authorizing the Director of Public Works to enter into a lease for development with Landmark At The Lake, LLC, a property adoption agreement for park improvements with LL 55 Park, LLC, and a submerged lands lease with the State of Ohio Department of Natural Resources for the lands to be encumbered with the lease and property adoption agreement.
Project Summary Lease:	<p>Landmark At The Lake, LLC plans to develop 214 new residential apartment units with approximately 436 new parking spaces, of which 86 spaces will be covered indoor spaces. The new apartment building will be a one story concrete parking structure with four stories of apartments built on top. The preliminary conceptual plan attached hereto has schematic design approval from the Cleveland Planning Commission and the Department of Economic Development has approved TIF funding for the project.</p> <p>The apartment building will have common amenity spaces with a possible restaurant space, either as part of the building or as a separate building.</p> <p>The development plan integrates the entrance and parking with the existing 167 Unit Shoreline Apartments to the west.</p> <p>The project intends to use the leased premises for parking, a fence to separate it from the park area, and landscaping. The development plan contemplates a potential building which could be</p>

constructed on part of the leased premises as a future Phase 3.

The developer will construct and maintain enhanced park amenities and bike path improvements on the land subject to the proposed property adoption agreement.

Lease Term: 93 Years.

Rent: One dollar (\$1.00) plus donation of the western half of vacated portion of East 55th Street and additional rent consisting of improvements to adopted property and maintenance costs required under the property adoption agreement.

Project Summary
Property Adoption: LL 55 Park, LLC will improve and maintain the Park Area with: (1) bike path, connecting to the bike path on North Marginal Road, (2) landscaping and passive improvements including benches and picnic tables, and (3) trash receptacles where appropriate.

Property Adoption Term: 93 Years.

Maintenance Obligation: As required to maintain the improvements to the adopted property.

LL 55 Park, LLC or its designee will keep clean and maintain the landscaping in the park area but will take no responsibility or liability for any actions of the public in the park area. LL 55 Park, LLC will not be responsible for security or public safety in the park area nor for any maintenance of the shoreline.

Lessee assumes no responsibility for pre-existing environmental conditions on the Park Area which remains the City's responsibility, nor for any remediation.

PPN: Portion of 105-02-002A

Ward: Ward 10 (Councilmember Anthony Hairston)

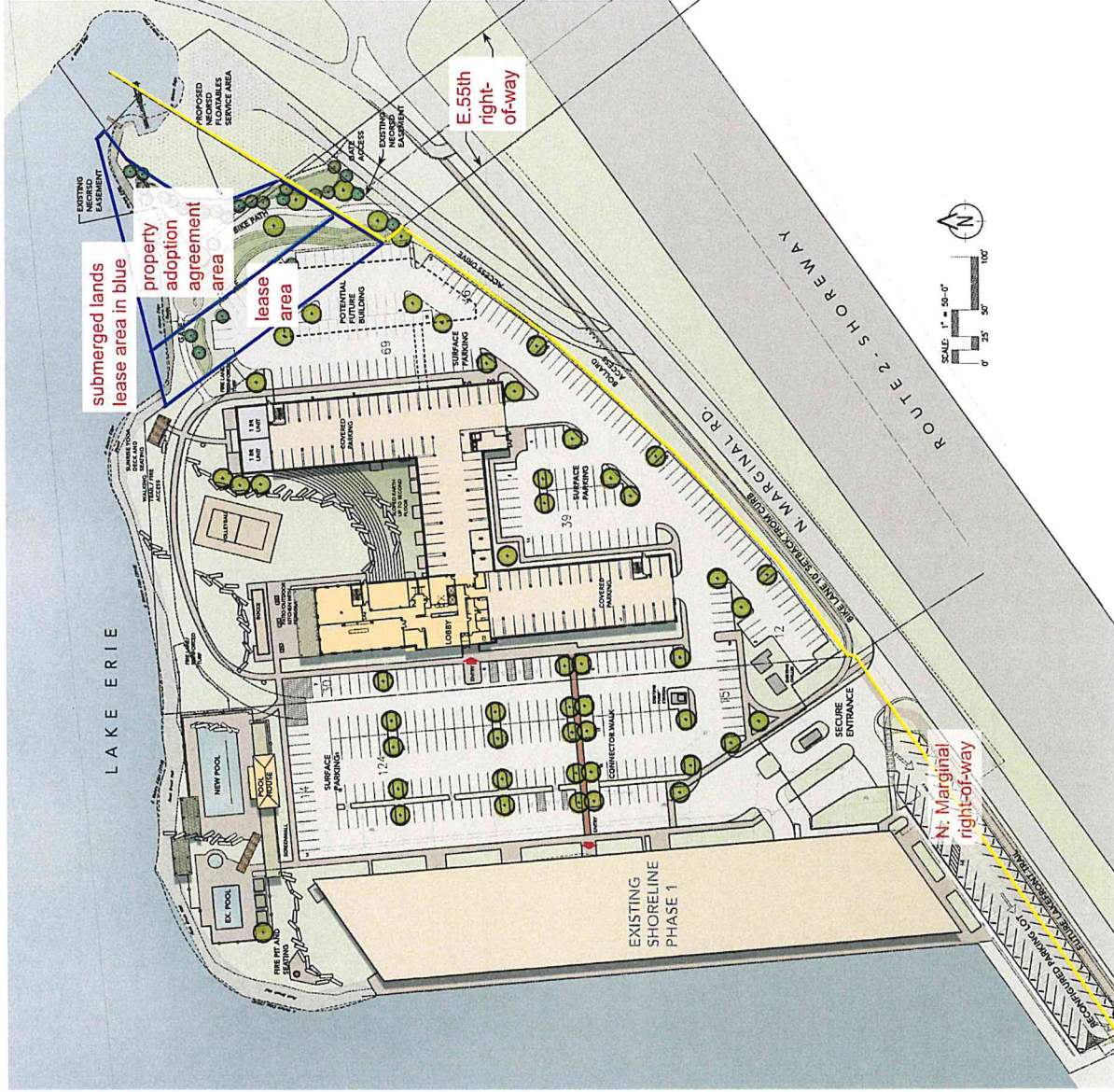
Attachments:

Drawing showing lease area, property adoption area, and park improvements

SHORELINE MASTERPLAN

PROJECT METRICS

UNIT COUNTS:	167 UNITS 214 UNITS 381 UNITS TOTAL
BUILDING AREAS:	45,553 SF
GROUND LEVEL	32,816 SF
PARKING	10,857 SF
LOBBY/AMENITY	1,880 SF
RESIDENTIAL	44,574 SF
FLOORS 2-5 (TYP RESIDENTIAL FLOOR)	
RESIDENTIAL FLOORS GROSS AREA	178,296 GSF
RESIDENTIAL FLOOR COMMON AREA	6,094 GSF
TOTAL BLDG COMMON AREAS	24,376 GSF
LEASABLE AREA (86.3% EFFICIENCY)	155,800 NSF
TOTAL PROJECT AREA	223,850 GSF
PARKING:	63 SPACES
EXISTING SURFACE PARKING(UNAFFECTED)	67 SPACES
EXISTING COVERED PARKING	350 SPACES
NEW SURFACE PARKING	86 SPACES
NEW COVERED PARKING	
	566 SPACES TOTAL
PHASE 1 + PHASE 2 TOTAL PARKING RATIOS:	
	566 SPACES / 381 UNITS = 1.48 SPACES/UNIT
	566 SPACES / 520 BEDROOMS = 1.09 SPACES/BEDROOM



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LEGAL DESCRIPTION
OF
PARK ADOPTION AREA
PART OF P.P.N. 105-02-002A
CLEVELAND, OHIO

OK
EBW
9/13/2021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Vacated East 55th Street (Ordinance No. 705-2019) on the Vacation Plat of part of East 55th Street of part of Original Ten Acre Lot No. 166, as shown on the plat recorded in AFN. 202001300443 of Cuyahoga County Records and a portion of Land Parcel in the Northeast Ohio Regional Sewer District Access Easement Agreement of part of Original Ten Acre Lot No. 166, as described in AFN. 201207270538 of Cuyahoga County Deed Records and further bounded and described as follows:

Beginning at a 1" iron pin in a monument box found at the intersection of the centerline of Lake Court (formerly Lake View Avenue) (50 feet wide) and the westerly right of way of East 55th Street (formerly Wilson Avenue) (100 feet wide);

Thence North 00°22'32" West along said westerly right of way of East 55th Street, 739.29 feet to the former right of way of East 55th Street as shown on City of Cleveland Survey Records C-39, also being the approximate 1925 shoreline of Lake Erie;

Thence North 37°06'12" West along said former westerly right of way of East 55th Street, 362.62 feet to a 5/8" iron pin found on a northerly right of way of North Marginal Road (width varies) at the southeasterly most corner of land so conveyed to Landmark at the Lake LLC by the deed recorded in AFN. 201912020387 of Cuyahoga County Deed Recorded;

Thence North 37°06'12" West continuing along said former westerly right of way of East 55th Street and the easterly line of land so conveyed to Landmark at the Lake LLC, 23.71 feet to a northerly right of way of North Marginal Road and the southwesterly corner of vacated East 55th Street as shown on the plat recorded in AFN. 202001300443 of Cuyahoga County Records;



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Thence North $32^{\circ}12'37''$ East along the northerly right of way of North Marginal Road, 53.45 feet to the centerline of said vacated East 55th Street and being the **Principal Place of Beginning** of the premises herein described;

Thence North $37^{\circ}06'12''$ West along said vacated centerline, 213.33 feet to a point;

Thence North $76^{\circ}01'28''$ East along the vacated northerly right of way of East 55th Street and the northerly line of the Service Parcel conveyed to the City of Cleveland by the deed recorded in Volume 7663, Page 48 of Cuyahoga County Deed Records, 203.27 feet to a point;

Thence South $46^{\circ}33'40''$ East along the easterly line of said Service Parcel, 11.16 feet to the northerly line of the Land Parcel described in the of Northeast Ohio Regional Sewer District Access Agreement recorded in AFN. 201207270538 of Cuyahoga County Deed Records;

Thence South $54^{\circ}27'28''$ West along said northerly line of Land Parcel, 21.03 feet to a point;

Thence South $51^{\circ}58'57''$ West, 9.92 feet to a point;

Thence South $33^{\circ}57'34''$ West, 20.94 feet to a point;

Thence South $38^{\circ}02'07''$ West, 22.88 feet to a point;

Thence South $30^{\circ}09'50''$ West, 23.14 feet to a point;

Thence South $06^{\circ}38'47''$ West, 22.44 feet to a point;

Thence South $05^{\circ}32'11''$ East, 23.27 feet to a point;

Thence South $19^{\circ}32'04''$ East, 24.39 feet to a point;

Thence South $22^{\circ}18'00''$ East, 17.50 feet to said westerly line of the Land Parcel;

Thence South $37^{\circ}06'12''$ East along said westerly line of the Land Parcel, 4.32 feet to the northerly right of way of North Marginal Road;

Thence South $32^{\circ}12'37''$ West along said northerly right of way of North Marginal Road, 58.81 feet to the **Principal Place of Beginning** and containing 0.4188 acres of land, as described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in September 2021, subject to all legal highways, restrictions, reservations and easements of record.



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Deeds of Reference:

Northeast Ohio Regional Sewer District Access Agreement – East 55th Street Floatables Sewer Project as described in the easement agreement recorded in AFN. 201207270538 of Cuyahoga County Deed Records.

Basis of Bearing:

The northerly right of way of North Marginal Road as North 55°14'08" East in the Ohio Department of Transportation Plans CUY-90-17.58 and the Plat of Survey for Forest City Yacht Club, by Frank M. Cirnski P.S. 5714, Dated December 1986.

September 8, 2021

Peter J. Gauriloff

P.S. No. 8646

Date



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**LEGAL DESCRIPTION
OF
WESTERLY HALF
OF VACATED EAST 55TH STREET
PART OF P.P.N. 105-02-002A
CLEVELAND, OHIO**

o.k. as corrected e.b.w. 7/2/2020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of Vacated East 55th Street (Ordinance No. 705-2019) on the Vacation Plat of part of East 55th Street of part of Original Ten Acre Lot No. 166, as shown on the plat recorded in AFN. 202001300443 of Cuyahoga County Records and further bounded and described as follows:

Beginning at a 1" iron pin in a monument box found at the intersection of the centerline of Lake Court (formerly Lake View Avenue) (50 feet wide) and the westerly right of way of East 55th Street (formerly Wilson Avenue) (100 feet wide);

Thence North 00°22'32" West along said westerly right of way of East 55th Street, 739.29 feet to the former right of way of East 55th Street as shown on City of Cleveland Survey Records C-39, also being the approximate 1925 shoreline of Lake Erie;

Thence North 37°06'12" West along said former westerly right of way of East 55th Street, 362.62 feet to a 5/8" iron pin found on a northerly right of way of North Marginal Road (width varies) at the southeasterly most corner of land so conveyed to Landmark at the Lake LLC by the deed recorded in AFN. 201912020387 of Cuyahoga County Deed Recorded;

Thence North 37°06'12" West continuing along said former westerly right of way of East 55th Street and the easterly line of land so conveyed to Landmark at the Lake LLC, 23.71 feet to a northerly right of way of North Marginal Road and the southwesterly corner of vacated East 55th Street as shown on the plat recorded in AFN. 202001300443 of Cuyahoga County Records and being the **Principal Place of Beginning** of the premises herein described;

Thence North 37°06'12" West continuing along the easterly line of land so conveyed to Landmark at the Lake LLC, 253.57 feet to a point;

Thence North 76°01'28" East, 54.37 feet to the centerline of said vacated East 55th Street;

Thence South 37°06'12" East along said centerline of vacated East 55th Street, 213.33 feet to the northerly right of way of North Marginal Road;



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(11,673 Sq. Ft.)

Thence South 32°12'37" West along the northerly right of way of North Marginal Road, 53.45 feet to the **Principal Place of Beginning** and containing 0.2680 acres of land, as described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in July 2020, subject to all legal highways, restrictions, reservations and easements of record.

Deeds of Reference:

Vacation East 55th Street (City of Cleveland Ordinance No. 705-2019) release of right filed in AFN. 201910090478 of Cuyahoga County Deed Records.

Basis of Bearing:

The northerly right of way of North Marginal Road as North 55°14'08" East in the Ohio Department of Transportation Plans CUY-90-17.58 and the Plat of Survey for Forest City Yacht Club, by Frank M. Cirnski P.S. 5714, Dated December 1986.

July 17, 2020

Peter J. Gauriloff

P.S. No. 8646

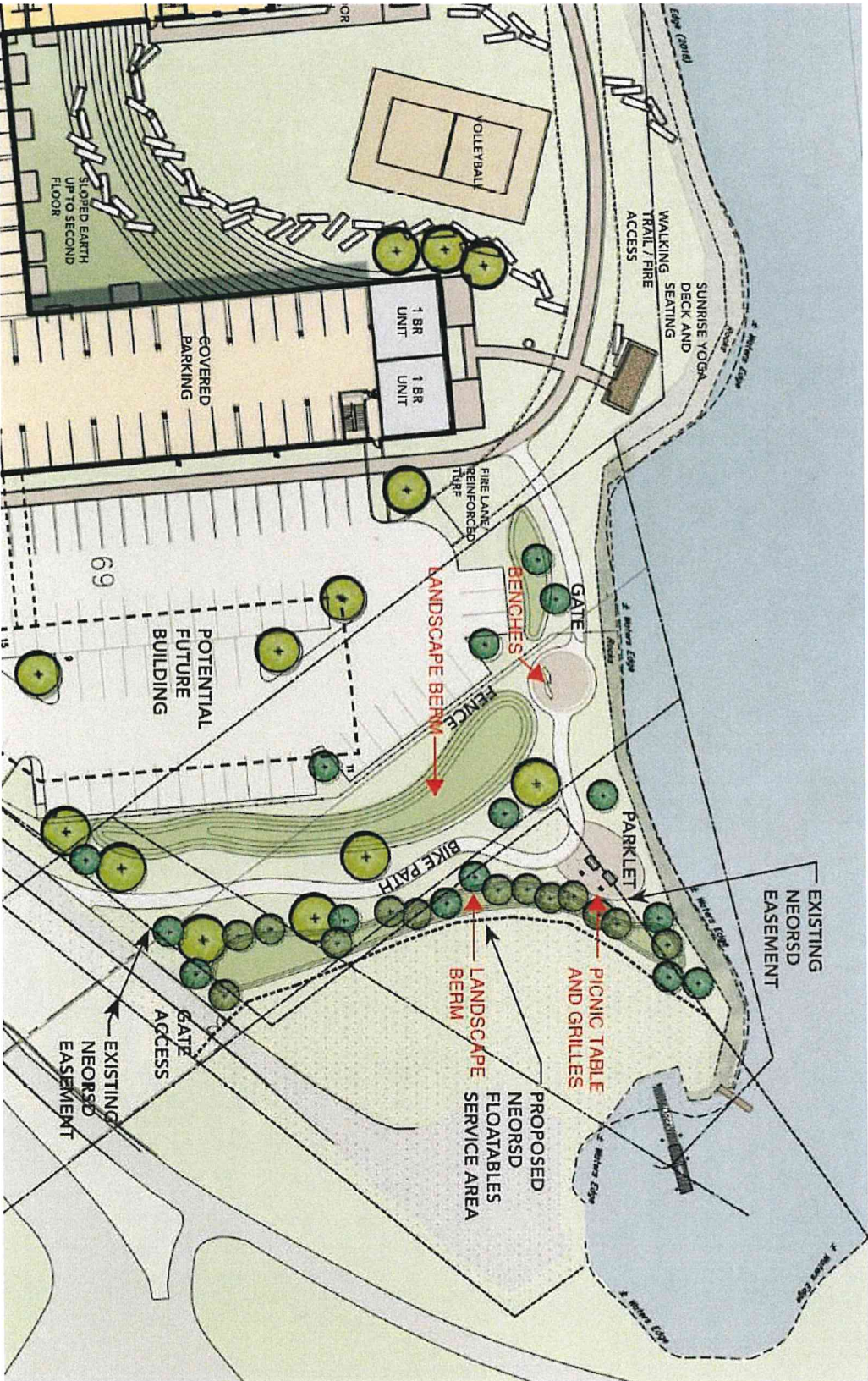
Date





CITY OF CLEVELAND
Mayor Frank G. Jackson

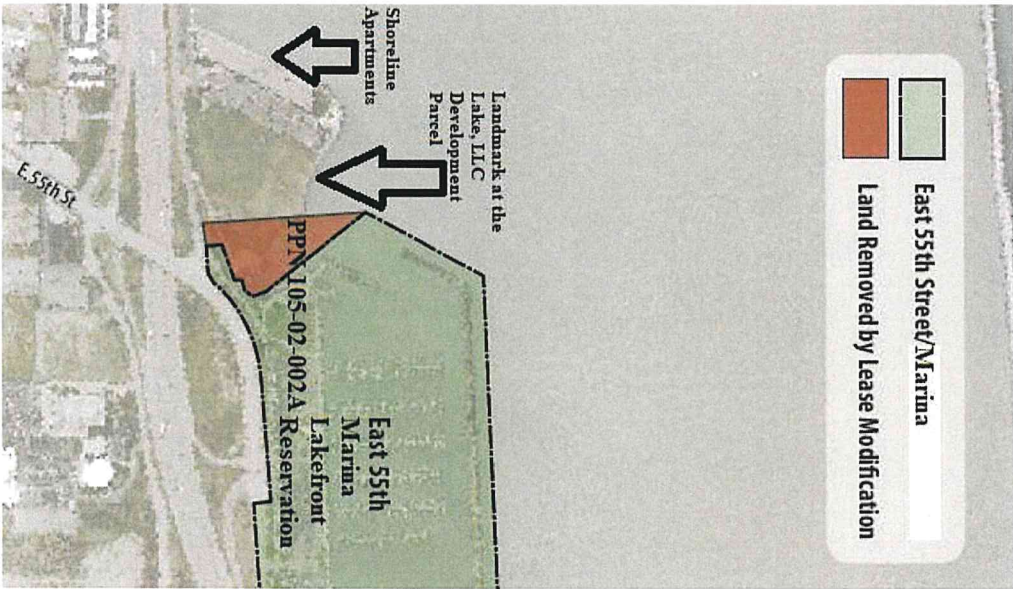
Park Improvement Plan on City's land (Portion of PPN 105-02-002A)





CITY OF CLEVELAND
Mayor Frank G. Jackson

Location Map (Portion of PPN 105-02-002A)







City of Cleveland Memorandum
Frank G. Jackson, Mayor

Date: September 3, 2021

To: Barbara Langhenry, Director
Department of Law

From: Michael E. Cox, Director
Department of Public Works

Subject: Property Agreements for Shoreline Apartments Phase 2 AKA
Landmark at the Lake Apartments

Please prepare legislation authorizing the Director of Public Works to enter into a lease for development with Landmark At The Lake, LLC, a property adoption agreement for park improvements with LL 55 Park, LLC, and a submerged lands lease with the State of Ohio Department of Natural Resources for the lands to be encumbered with the lease and property adoption agreement.

Thank you.

MEC/JD

Encl.

Acknowledged by: 
Matthew Spronz, Director of Mayor's Office of Capital
Projects

cc: Valarie McCall, Chief of Government and International Affairs
Leah Short, Executive Assistant, Mayor's Office
James D. DeRosa, Commissioner of Real Estate, Office of Capital Projects
Carmen Verhosek, Acting Legislative Liaison, Office of Capital Projects
Nancy Lanzola, Legislative Liaison, Department of Law
Beverly Gray, Legislative Liaison, Department of Law