

Ordinance No. 75-2021

By Council Members Conwell, Mooney, Spencer, Johnson, Brancatelli and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Directors of Public Works and Community Development to enter into a property exchange agreement with the Board of Education of the Cleveland Metropolitan School District for the transfer of various properties between the parties to facilitate the efficient use of real estate for public purposes including construction of a new Marion C. Seltzer Elementary School at Cudell Commons and redevelopment of former school sites; and authorizing the Commissioner of Purchases and Supplies to acquire and convey the properties; and authorizing the Department of Public Works to enter into a lease for playfields at the new school and a shared-use agreement for the parking lots at the new school and the Cudell Recreation Center.

WHEREAS, Section 3313.40 of the Revised Code permits a board of education and a municipal corporation to exchange real estate upon a vote of a majority of members of the board of education and a concurring vote of the legislative authority declaring that said exchange will be mutually beneficial to both parties; 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 the Directors of Public Works and Community Development are authorized to enter into a property exchange agreement (“Agreement”) with the Board of Education of the Cleveland Metropolitan School District (“CMSD”) for the mutually-beneficial exchange of various properties between the parties needed to facilitate the efficient use of real estate for public purposes including construction of a new Marion C. Seltzer Elementary School at Cudell Commons and land assembly for future redevelopment of former school sites, which Agreement shall include provisions necessary to implement this ordinance, including but not limited to City’s license to continued use of existing ballfields until commencement of new school construction, demolition and site restoration by CMSD of the Watterson-Lake School property, transfer of the Harry E. Davis School property “as is” to the City, and reversionary rights as agreed upon by the parties.

Section 2. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development and the Commissioner of Purchases and Supplies are

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authorized to accept from CMSD title to the properties which are more fully described as follows:

**LEGAL DESCRIPTIONS
PARCELS CONSTITUTING WATTERSON-LAKE SCHOOL PROPERTY
1422 W. 74th Street (2.383 acres)**

- PPN 002-18-034 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sub Lot No. 93 in Jones' Allotment of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 38 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 74th Street (formerly Jones Avenue), and extending back of equal width 130 feet, as appears by said plat, be the same more or less, but subject to all legal highways.
- PPN 002-18-031 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sub Lot No. 96 in Jones' Allotment of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 38 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 74th Street (formerly Jones Avenue), and extending back of equal width 130 feet, as appears by said plat, be the same more or less, but subject to all legal highways.
- PPN 002-18-018 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sub Lot No. 9 in W.A. Poyer's Subdivision of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 48 of Cuyahoga County Records, and being 40 feet front on the Easterly side of West 75th Street (formerly Trenton Street), and extending back of equal width 95.75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.
- PPN 002-18-019 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly 28-1/2 feet of Sub Lot No. 10 in W.A. Poyer's Subdivision of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 48 of Cuyahoga County Records, and being 28.50 feet front on the Easterly side of West 75th Street (formerly Trenton Street), and extending back of equal width 95.75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.
- PPN 002-18-020 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Southerly 11.50 feet of Sub Lot No. 10 and the Northerly 17 feet of Sub Lot No. 11 in W.A. Poyer's Subdivision of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 48 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 28.50 feet front on the Easterly side of West 75th Street (formerly Trenton Street), and extending back of equal width 95.75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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PPN 002-18-080 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sub Lot No. 98 in Jones' Allotment of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 38 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of West 74th Street (formerly Watterson Street), at the Northeasterly corner of said Sublot No. 98; thence Southerly along the Westerly line of West 74th Street, 28 feet; thence Westerly and parallel with the Northerly line of said Sublot, 129.95 feet to the Westerly line of said Sublot No. 98; thence Northerly along the Westerly line of said Sublot, 28 feet to the Northwesterly corner thereof; thence Easterly along the Northerly line of said Sublot No. 98, 129.95 feet to the place of beginning, according to survey dated May, 1967 by George M. Garrett and Associates, be the same more or less, but subject to all legal highways.

PPN 002-18-030 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sub Lot No. 97 in Jones' Allotment of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 38 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 74th Street (formerly Jones Avenue), and extending back of equal width 130 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

PPN 002-18-036 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sub Lot No. 91 in The Jones Allotment of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 38 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 74th Street (formerly Jones Avenue), and extending back of equal width 130 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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PPN 002-18-009 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as:

Sublots eighty-eight (88) and eighty-nine (89) in Jones Allotment of a part of Original Brooklyn Township Lot numbered twenty-nine (29), as shown by the recorded plat in Volume 13 of Maps, Page 38 of Cuyahoga County Records, said sublots eight- eight (88) and eighty-nine (89) are located on the south side of Detroit Street at the corner of Jones Avenue (now West 74th Street formerly Watterson Street)) and having a frontage of one hundred and thirty-seven and 94/100 (137.94) feet and extending in a southerly direction along the westerly side of West 74th Street one hundred and eighty-three and 36/100 (183.36) feet, thence at right angles to West 74th Street one hundred and thirty (130) feet in a westerly direction and thence at right angles in a northerly direction from same one hundred and thirty-seven & 22/100 (137.22) feet to Detroit Street, as appears by said plat, be the same more or less, but subject to all legal highways;

Sublot ninety (90) in Jones allotment of a part of original Brooklyn Township lot numbered twenty-nine (29) as shown by the recorded plat in Volume 13 of maps page 38 of Cuyahoga County Records. Said sublot ninety (90) is located on the westerly side of Jones Avenue (now West 74th Street formerly Watterson Street) at a distance of 183.36 feet south of Detroit Street and has a frontage of forty (40) feet on the westerly side of West 74th Street and extending back at right angles to West 74th Street with an even width of forty (40) feet one hundred and thirty (130) feet, as appears by said plat, be the same more or less, but subject to all legal highways.

PPN 002-18-032 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sub Lot No. 95 in the Jones Allotment of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 38 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 74th Street (formerly Watterson Avenue), and extending back of equal width 130 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

PPN 002-18-015 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sub Lot No. 6 in W.A. Poyer's Subdivision of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 48 of Cuyahoga County Records, and being 40 feet front on the Easterly side of West 75th Street and extending back of equal width 95.75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

PPN 002-18-017 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sub Lot No. 8 in W.A. Poyer's Subdivision of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 48 of Cuyahoga County Records, and being 40 feet front on the Easterly side of West 75th Street (formerly Trenton Street) and extending back of equal width 95.75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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PPN 002-18-079 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sub Lot No. 92 in the Jones Allotment of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 38 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the southeasterly corner of said Sub Lot No. 92 in the Jones Allotment as recorded in Volume 13 of Maps, Page 38 of Cuyahoga County Records; thence North along the side line of West 74th Street, 20 feet to the intersection of the side line of West 74th Street and the prolongation of the center wall of a duplex on said Sub Lot No. 92; thence West parallel to the South line of said Sub Lot No. 92 passing through the center wall of the duplex on said Sub Lot No. 92, 130 feet to the West line of said Sub Lot 92; thence South 20 feet to the Southwest Corner of said Sub Lot No. 92; thence East 130 feet along the South line of said Sub Lot No. 92, to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

PPN 002-18-033 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sub Lot No. 94 in the Jones Allotment of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 38 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 74th Street, and extending back of equal width 130 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

PPN 002-18-013 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sub Lot No. 4 in W.A. Poyer's Subdivision of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 48 of Cuyahoga County Records, and being 40 feet front on the Easterly side of West 75th Street (formerly Trenton Street) and extending back of equal width 95.75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

PPN 002-18-035 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as the Northerly 20 feet front to rear of Sub Lot No. 92 in the Jones Allotment of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 38 of Cuyahoga County Records, and bounded and described as follows:

Beginning at Westerly line of West 74th Street, 50 feet wide, at the Northeasterly corner of said Sub Lot No. 92; thence Southerly along the Westerly line of West 74th Street, 20 feet to the intersection of said Westerly line of West 74th Street with the prolongation Easterly of the center wall of a duplex on said Sub Lot No. 92; thence Westerly parallel with the Northerly line of said Sub Lot No. 92 and passing through the center wall of the duplex on said Sub Lot No. 92, 130 feet to the Westerly line of said Sub Lot No. 92; thence Northerly along the Westerly line of said Sub Lot No. 92, 20 feet to the Northwesterly corner; thence Easterly along the Northerly line of said Sub Lot No. 92, 130 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

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- PPN 002-18-016 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sub Lot No. 7 in W.A. Poyer's Subdivision of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 48 of Cuyahoga County Records, and being 40 feet front on the Easterly side of West 75th Street (formerly Trenton Street) and extending back of equal width 95.75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.
- PPN 002-18-012 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sub Lot No. 3 in W.A. Poyer's Subdivision of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 48 of Cuyahoga County Records, and being 40 feet front on the Easterly side of West 75th Street (formerly Trenton Street) and extending back of equal width 95.75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.
- PPN 002-18-014 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sub Lot No. 5 in W.A. Poyer's Subdivision of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 48 of Cuyahoga County Records, and being 40 feet front on the Easterly side of West 75th Street (formerly Trenton Street) and extending back of equal width 95.75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.
- PPN 002-18-021 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly 6.50 feet of Sub Lot No. 12 and the Southerly 22 feet of Sub Lot No. 11 in W.A. Poyer's Subdivision of part of Original Brooklyn Township Lot No. 29, as shown by the recorded plat in Volume 13 of Maps, Page 48 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 28.50 feet front on the Easterly side of West 75th Street (formerly Trenton Street) and extending back of equal width 95.75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

LEGAL DESCRIPTIONS

PPNs 120-01-060 through -077, 120-01-080 through -094, and 120-01-110 PARCELS CONSTITUTING HARRY E. DAVIS SCHOOL PROPERTY 10713 Churchill Avenue (4.621 acres)

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot Nos. 6 to 23 in the Phillips Subdivision of part of Original 100 Acre Lot Nos. 386 and 387, as shown by the recorded plat in Volume 19, Page 23 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot Nos. 129 to 140 and 144 in J.H. Wade, et al Re-Subdivision of part of Original 100 Acre Lot Nos. 386, as shown by the recorded plat in Volume 33, Page 18 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

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Section 3. That according to the Agreement referenced above and by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the following properties to CMSD located at Cudell Commons: Permanent Parcel Nos. 001-29-057 through 001-29-061, 001-29-081, and a portion of 001-29-062, which are more fully described as follows:

**LEGAL DESCRIPTIONS
PORTION OF CUDELL COMMONS
1910 West Blvd. (2.168 acres)**

PPNs 001-29-057; 001-29-058; 001-29-059; 001-29-060; 001-29-061

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

And known as being part of Sublot No. 10 in F.R. Elliott's Subdivision, of part of Original Brooklyn Township Lots Nos. 12 and 13 as shown in Plat Volume 2, Page 3 of Cuyahoga County Map Records and bounded and described as follows:

Beginning at a point in the westerly line of West 98th Street, which point is 491.80 feet northerly measured along said westerly line of West 98th Street from its intersection with the northerly line of Madison Avenue, N.W.;

Thence northerly along said westerly line of West 98th Street 200.00 feet to a southerly line of land conveyed to the City of Cleveland by deed dated April 25, 1935, and recorded in Volume 4510, Page 491 of Cuyahoga County Deed Records;

Thence westerly along said southerly line 120.00 feet to an easterly line of land so conveyed to the City of Cleveland;

Thence southerly along said easterly line and being parallel to said westerly line of West 98th Street, 200.00 feet;

Thence easterly 120.00 feet to the place of beginning and containing 24,000 square feet of land and further known as being all of Sublot Nos. 6, 7, 8, 9, and 10 in Schmidt and Fleidner's proposed subdivision, be the same more or less, but subject to all legal highways.

Portion of Permanent Parcel No. 001-29-062

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, being part of Original Brooklyn Township Lot No. 12, part of Lot 10 in F.R. Elliot Subdivision as recorded in Plat Volume 2, Page 3 of Cuyahoga County Map Records, part of Sublots 1 thru 4, 21 thru 30 and all of Sublot 5 of Schmidt and Fleidner Subdivision, unrecorded, and part of a parcel of land now or formerly owned by the City of Cleveland as recorded in Volume 4510, Page 491 of Cuyahoga County Deed Records, and part of a 0.271 deed acre parcel of land (deed Parcel B) now or formerly owned by the City of Cleveland as recorded in Volume 1042, Page 513 of Cuyahoga County Deed Records and being more completely described as follows:

Commencing for Reference at the center-line intersection of West 98th Street (60 feet wide) and Madison Avenue (60 feet wide), witnessed by a drill hole in stone in a monument box found 0.15 feet south; thence North 00°-12'-38" West, coincident with the center-line of said West 98th Street, 521.26 feet; thence South 89°-47'-22" West, 30.00 feet to the west right-of-way of said West 98th Street and the southeast corner of Sublot 10 in said Schmidt and Fleidner Subdivision and the southeast corner of a parcel of land now or formerly owned by the Board of Education of the Cleveland City School District as recorded in Volume 13154, Page 315 of Cuyahoga County Deed Records; thence South 89°-47'-22" West, coincident with the south line of said Sublot 10 and said Board of Education of the Cleveland City School District parcel, 119.94

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feet to an iron pin set at northeast corner of a 0.4034 deed acre parcel of land now or formerly owned by the City of Cleveland as recorded in Volume 94-08200, Page 24 of Cuyahoga County Deed Records and the **PLACE OF BEGINNING** for the parcel herein described:

Course No. 1: thence **South 89°-47'-22" West**, coincident with the north line of said 0.4034 deed acre parcel, **101.49 feet** to an east line of West Boulevard (Width Varies) and an east line of 1.403 deed acre parcel of land (deed Parcel A) now or formerly owned by the City of Cleveland as recorded in Volume 1042, Page 513 of Cuyahoga County Deed Records and a drill-hole in a crow's foot set;

Course No. 2: thence **North 01°-58'-46" West**, coincident with an east line of said West Boulevard and an east line of said 1.403 deed acre parcel, **259.94 feet**, passing over an iron pin set at 254.94 feet;

Course No. 3: thence **North 87°-47'-09" East**, **101.92 feet** to an iron pin set, passing over a drill hole in a crow's foot set at 10.00 feet;

Course No. 4: thence **North 01°-29'-26" West**, **98.33 feet** to a south line of a 0.271 deed acre parcel of land (deed Parcel B) now or formerly owned by the City of Cleveland as recorded in Volume 1042, Page 513 of Cuyahoga County Deed Records and an iron pin set;

Course No. 5: thence **South 87°-58'-17" West**, coincident with the south line of said 0.271 deed acre parcel, **102.76 feet** to the east line of said 1.403 deed acre parcel and an east line of West Boulevard and an iron pin set;

Course No. 6: thence **North 01°-58'-46" West**, coincident with the east line of said 1.403 deed acre parcel and an east line of West Boulevard, **68.00 feet** to the south right-of-way of Detroit Avenue, S.R. 6A (Width Varies) and the south line of a parcel of land known as ODOT Parcel 6WD as referenced on the CUY-6A-4.73 right-of-way plan on file with the Ohio Department of Transportation District 12 Office, now or formerly owned by the State of Ohio as recorded in Volume 98-12250, Page 34 of Cuyahoga County Deed Records and an iron pin set;

Course No. 7: thence **North 83°-27'-18" East**, coincident with the south line of said ODOT Parcel and the south right-of-way of said Detroit Avenue, **38.07 feet** to the westerly right-of-way of Landon Avenue, a.k.a Detroit Street Grade Crossing (Width Varies) and an iron pin set;

Course No. 8: thence **South 68°-08'-13" East**, coincident with the westerly right-of-way of said Landon Avenue, **100.98 feet** to an iron pin set;

Course No. 9: thence following the arc of a curve to the right coincident with the westerly right-of-way of said Landon Avenue, ($\Delta = 68^\circ-01'-09"$, Radius = 164.77 feet, Chord distance = 184.32 feet, a Chord Bearing = South $34^\circ-15'-07"$ East) an arc length of **195.61 feet** to the west right-of-way of said West 98th Street and the northeast corner of said Sublot 5 to a drill hole in a crow's foot set;

Course No. 10: thence **South 00°-12'-38" East**, coincident with said west right-of-way, **39.98 feet** to the northeast corner of Sublot 6 in said Schmidt and Fleidner Subdivision and the northeast corner of a parcel of land now or formerly owned by the Board of Education of the Cleveland City School District as recorded in Volume 13154, Page 315 of Cuyahoga County Deed Records and an iron pin set;

Course No. 11: thence **South 89°-47'-22" West**, coincident with the north line of said Sublot 6 and the north line of said Board of Education of the Cleveland School District parcel, **119.90 feet** to an iron pin set;

Course No. 12: thence **South 00°-12'-01" East**, coincident with the west line of said Board of Education of the Cleveland School District Parcel and the west lines of Sublots 6 thru 10 of said Schmidt & Fleidner Subdivision, **199.92 feet** to the **PLACE OF BEGINNING**, containing **1.2403 acres**, more or less, but subject to all highways, covenants, and easements of legal record as surveyed in January 2021 by Kyle R. Danals, Registered Professional Land Surveyor No. 8704 on behalf of **McSteen Land Surveyors** under Project No. 20-197.

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Bearings are based on the Ohio State Plane Coordinate System, North Zone (3401), NAD83 (2011), 2010.00 Epoch, as derived from GNSS Observations per the ODOT CORS/VRS Real Time Network. Distances are given in feet and decimal parts thereof. All iron pins shown as set are 30-inch long 5/8-inch rebar with an identification cap stamped "McSTEEN CA 02236".

Permanent Parcel No. 001-29-081

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, being part of Original Brooklyn Township Lot No. 12, part of Lot 10 in F.R. Elliot Subdivision as recorded in Plat Volume 2, Page 3 of Cuyahoga County Map Records, part of Sublots 17 thru 21 of Schmidt and Fleidner Subdivision, unrecorded, part of a 1.403 deed acre parcel (deed Parcel A) now or formerly owned by the City of Cleveland as recorded in Volume 1042, Page 513 of Cuyahoga County Deed Records, and part of a 0.4034 deed acre parcel of land now or formerly owned by the City of Cleveland as recorded in Volume 94-08200, Page 24 of Cuyahoga County Deed Records, being more completely described as follows:

Commencing for Reference at the center-line intersection of West 98th Street (60 feet wide) and Madison Avenue (60 feet wide), witnessed by a drill hole in stone in a monument box found 0.15 feet south; thence North 00°-12'-38" West, coincident with the center-line of said West 98th Street, 521.26 feet; thence South 89°-47'-22" West, 30.00 feet to the west right-of-way of said West 98th Street and the southeast corner of Sublot 10 in said Schmidt and Fleidner Subdivision and the southeast corner of a parcel of land now or formerly owned by the Board of Education of the Cleveland City School District as recorded in Volume 13154, Page 315 of Cuyahoga County Deed Records; thence South 89°-47'-22" West, coincident with the south line of said Sublot 10 and said Board of Education of the Cleveland City School District parcel, 119.94 feet to a southeast corner of a parcel of land now or formerly owned by the City of Cleveland as recorded in Volume 4510, Page 491 of Cuyahoga County Deed Records marked by an iron pin set and the **PLACE OF BEGINNING** for the parcel herein described:

Course No. 1: thence **South 00°-12'-01" East**, coincident with the west line of Sublots 11 and 12 of said Schmidt and Fleidner Subdivision, the west line of a parcel of land now or formerly owned by the Board of Education of the Cleveland City School District as recorded in Volume 12742, Page 657 of Cuyahoga County Deed Records and the west line of a parcel on land now or formerly owned by the Board of Education of the Cleveland City School District as recorded in Volume 12751, Page 303 of Cuyahoga County Deed Records, **54.84 feet**, to a southeast corner said 0.4034 deed acre parcel marked by an iron pin set;

Course No. 2: thence **South 89°-12'-55" West**, coincident with a south line of said 0.4034 deed acre parcel, **22.88 feet**, marked by a drill-hole in a crow's foot set;

Course No. 3: thence **South 00°-07'-34" West**, coincident with an east line of said 0.4034 deed acre parcel, **82.08, feet** to an iron pin set;

Course No. 4: thence **South 42°-17'-30" West**, coincident with a south line of said 0.4034 deed acre parcel, **25.21, feet** to an iron pin set;

Course No. 5: thence **South 88°-59'-38" West**, coincident with a south line of said 0.4034 deed acre parcel, **61.27 feet**, to an east line of said 1.403 deed acre parcel marked by a drill-hole in a crow's foot set;

Course No. 6: thence **South 02°-01'-43" East**, coincident with an east line of said 1.403 deed acre parcel, **6.82 feet** to north line of Sublot 16 in said Schmidt and Fleidner Subdivision and northeast corner of vacated West 99th Street as shown on the Vacation Plat of Part of West 99th Street as recorded in Plat Volume 212, Page 73 of Cuyahoga County Map Records, marked by a drill-hole in a crow's foot set;

Course No. 7: thence **South 87°-49'-57" West**, coincident with the north line of said vacated West 99th Street and a south line of said 0.4034 deed acre parcel, **45.84 feet** to the east line of West Boulevard (Width Varies) marked by drill-hole in a crow's foot set;

Course No. 8: thence following the arc of a curve to the left coincident with the east line of said West Boulevard, ($\Delta = 41^\circ-10'-21"$, Radius = 184.00 feet, Chord Distance = 129.40 feet, Chord Bearing = North 14°-47'-27" East) an arc length of **132.22 feet** to an iron pin set;

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Course No. 9: thence **North 01°-58'-46" West**, coincident with the east line of said West Boulevard, **40.00 feet** to an iron pin set;

Course No. 10: thence **North 89°-47'-22" East**, coincident with a south line of said West Boulevard, and with a south line of said City of Cleveland parcel, **115.00 feet** to the **PLACE OF BEGINNING**, containing **0.3770 acres**, more or less, but subject to all highways, covenants, and easements of legal record as surveyed in January 2021 by Kyle R. Danals, Registered Professional Land Surveyor No. 8704 on behalf of **McSteen Land Surveyors** under Project No. 20.197.

Bearing are based on the Ohio State Plane Coordinates System, North Zone(3401), NAD83 (2011), 2010.0 Epoch, as derived from GNSS Observations per the ODOT CORS/VRS Real Time Network. Distances are given in feet and decimal parts thereof. All iron pins shown as set are 30" long 5/8" rebar with an identification cap stamped "McSTEEN CA 02236".

Section 4. That this Council finds that the transactions contemplated in this ordinance are mutually beneficial to the City and the CMSD.

Section 5. That the Directors of Public Works and Community Development, as appropriate, are authorized to execute on behalf of the City of Cleveland all necessary documents to acquire, accept, record, and convey the properties.

Section 6. That the conveyances shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 7. That notwithstanding and as an exception to the provisions of Chapters 183.07 of the Codified Ordinances of Cleveland, Ohio, 1976, the transfer of properties between CMSD and the City are at no cost to either party, with all of the transactions together acknowledged and determined to be a fair market value transaction.

Section 8. 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 Public Works is authorized to enter into a Lease with CMSD regarding the use of playfields at the new school. The Lease shall be for a term of forty five years. CMSD shall construct a practice field and outdoor basketball courts on that site in consultation with City and will lease those facilities to the City at times when they are not needed for

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school district purposes. The City will be responsible for the maintenance of the practice field and basketball courts in lieu of rent. The Lease shall provide that the City shall have the license to continued use and maintenance of the playfields at Cudell Commons located on the land to be transferred to CMSD at no cost until such time as CMSD notifies City in writing that it requires exclusive site control. The Director of Public Works is also authorized to enter into a Shared-Use Agreement regarding the use of the new school parking lot and the parking lot at Cudell Commons during non-peak hours for the parties. The Shared Use Agreement shall be at no cost to either party and for a term of 10 years and renew automatically from year to year thereafter until terminated by either party. Each party shall be responsible for the maintenance of their own parking lot but shall be responsible for removal of trash if generated by its invitees.

Section 9. That the Director of Community Development, Public Works, Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effectuate this ordinance.

Section 10. 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.

RB:nl
2-3-2021
FOR: Director Cox and Interim Director Wackers

