

Ordinance No. 65-2019

AN EMERGENCY ORDINANCE

Authorizing the Directors of Economic Development and Community Development to enter into one or more agreements with the Board of Education of the Cleveland Metropolitan School District and Vesta Corporation, or its designee, for the exchange of the Longfellow School property with City-owned property on Addison Avenue for future redevelopment and the mutual benefit of the parties; and authorizing the Commissioner of Purchases and Supplies to acquire and convey the properties.

Council Members B. Jones, Polensek, Brancatelli and Kelley (by departmental request)

WHEREAS, the Cleveland Metropolitan School District ("CMSD") owns certain property located at 650 East 140th Street, formerly the Henry W. Longfellow School ("Longfellow Property"); and

WHEREAS, the City of Cleveland Land Reutilization Program owns certain vacant property located at 1465 Addison Avenue ("Addison Property"); and

WHEREAS, the City of Cleveland wishes to enter into one or more agreements with the CMSD and Vesta Corporation, or its designee ("Vesta"), in order to exchange the properties for the public purposes of public education and affordable senior housing; and

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 notwithstanding and as an exception to Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Directors of Economic Development and Community Development and the Commissioner of Purchases and Supplies are authorized to enter into one or more agreements ("Agreements") with the Board of Education of the CMSD, and Vesta, relating to the development and exchange of the Longfellow Property for the Addison Property.

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Section 2. That Directors of Economic Development and Community Development are authorized to enter into any other agreements necessary to implement this ordinance, including but not limited to, an agreement with Vesta naming them as the City of Cleveland's designee in order to accept title to the Longfellow Property, subject to Vesta's redevelopment of the Longfellow Property for affordable senior housing, and restrictive covenants.

Section 3. 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 Economic Development, or its designee Vesta, and the Commissioner of Purchases and Supplies are authorized to accept from CMSD title to the Longfellow Property which is more fully described as follows:

The Land is described as follows:

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot Nos. 145, 146, 147, 148, 149, 150, 151, 180, 181, 182, 183, 184, 185, and 186 in The Henry C. Wick Subdivision of a part of Original One Hundred Acre Lot No. 351 as shown by the recorded plat in Volume 28 of Maps, Page 16 of Cuyahoga County Records and altogether making a parcel of land having frontage of 274.50 feet on the Southerly side of Diana Ave., N.E., (formerly Kenneth Street) and a frontage of 274.96 feet on the Northerly side of Darley Ave., N.E. (formerly Darley Street) and being 240 feet deep on the Easterly line and 240 feet deep on the Westerly line, which said Westerly line is also the Easterly line of East 136th Street (formerly Wick Avenue) as appears by said recorded 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 Sublots Nos. 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178 and 179 being twenty eight (28) Lots all in The Henry C. Wick Subdivision of part of original One Hundred acre Lot No. 351, as shown by the recorded plat of said Subdivision in Volume 28 of Maps, Page 16 of Cuyahoga County Records.

Said Sublots Nos. 152, 153 and 154 have each a frontage of 39 feet on Diana Avenue (formerly Kenneth Street) and a depth of 120 feet.

Said Sublots Nos. 155, 156, 157, 158, 159, 160, 161 and 162 have each a frontage of 40 feet on Diana Avenue (formerly Kenneth Street) and a depth of 120 feet.

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Said Sublots Nos. 177, 178 and 179 have each a frontage of 39 feet on Darley Avenue (formerly Darley Street) and a depth of 120 feet;

Said Sublots Nos. 169, 170, 171, 172, 173, 174, 175 and 176 have each a frontage of 40 feet on Darley Avenue (formerly Darley Street) and a depth of 120 feet;

Said Sublots Nos. 163, 164, 165, 166, 167 and 168 have each a frontage of 40 feet on East 140th Street (formerly Adams Avenue) and a depth of 120 feet; subject however, to the right of the Public to use for Street purposes so much of the Easterly part of said Sublots as heretofore has been permitted to be so used, and being a strip of land five (5) feet in width extending across the entire Easterly end of said Sublots fronting on East 140th Street.

Section 4. That according to the Agreement referenced above and by and at the direction of the Board of Control, the Director of Community Development and the Commissioner of Purchases and Supplies are authorized to convey the Addison Property to CMSD and is more fully described as follows:

PPN 106-18-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:
And known as being all of Sublot #3 in Dinceman Decker's Allotment of part of Original 100 Acre Lot #342, as shown by the recorded plat in Volume 24 of Maps, Page 14 of Cuyahoga County Records and being 50 feet front on the Northeasterly side of Addison Road NE (formerly East Madison Avenue) and extended back, 165.31 feet on the Northerly line, 137.74 feet on the Southerly line and is 41.6 feet wide in the rear, as appears by said plat, be the same more or less but subject to all legal highways. Subject to zoning ordinances.

Also known as 1465 Addison Road, Cleveland, OH 44103

Section 5. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, if the City acquires title to the Longfellow Property from CMSD, according to the Agreement and by and at the direction of the Board of Control, the Director of Economic Development and the Commissioner of Purchases and Supplies are authorized to convey the Longfellow Property to Vesta for fair market value as determined by the Board of Control taking into account restrictions and reversionary interests.

Section 6. That this Council finds that the transactions contemplated in this ordinance are mutually beneficial to the City and the CMSD.

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Section 7. That the Directors of Community Development and/or Economic Development are authorized to execute on behalf of the City of Cleveland all necessary documents to acquire, accept, record, and convey the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the Longfellow Property.

Section 8. 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 9. 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 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.

GEP:nl
1-7-19

FOR: Directors Ebersole and Menesse

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REPORT
after second Reading

Council Members B. Jones, Polensek, Brancatelli and Kelley
(by departmental request)

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READ FIRST TIME on JANUARY 7, 2019 **REPORTS**
and referred to Directors of Economic Development,
Community Development, City Planning Commission, Finance, Law;
COMMITTEES on Development Planning and Sustainability, Finance

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

PASSAGE RECOMMENDED BY
COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

