

Ordinance No. 1131-2021

By Council Members **J. Jones, Brancatelli and Kelley (by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Mayor and the Commissioner of Purchases and Supplies to acquire the Robert Fulton School and property located at 3291 East 140th Street for future redevelopment for the Department of Community Development; to convey the property to Tober Development Company, LLC, or its designee; and to enter into an agreement between the City and the Redeveloper.

WHEREAS, Revised Code Section 3313.41(C), permits a board of education to dispose of real property to a municipal corporation; and

WHEREAS, the Director of Community Development has requested the acquisition of Robert Fulton School from the Cleveland Metropolitan School District (“CMSD”) located at 3291 East 140th Street (“Property”) for purposes of future redevelopment; and

WHEREAS, under this ordinance, the Director of Community Development will acquire the Property from CMSD, enter into a development agreement with Tober Development Company, LLC, or its designee (“Redeveloper”), and convey the Property to the Redeveloper; 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 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 Permanent Parcel No. 130-15-001 from CMSD for purposes of future redevelopment.

Section 2. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire, accept, record, and convey the Property.

Section 3. That the consideration to be paid for this Property shall not exceed the appraised value of \$79,000 and shall be borne entirely by the Redeveloper, paid to the City and deposited into a fund approved by the Director of Finance.

Ordinance No. 1131-2021

Section 4. That this Council finds that the Property is no longer needed for public use and that the conveyance to the Redeveloper constitutes a public purpose of redeveloping vacant property.

Section 5. That by at the direction of the Board of Control, the Mayor and the Commissioner of Purchases and Supplies are authorized to convey the Property to the Redeveloper, taking into account all restrictions, reversionary interests, and similar encumbrances as may be placed by the City of Cleveland in the deed of conveyance.

Section 6. That the conveyance shall be made by official quitclaim 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 the Director of Community Development is authorized to enter into an Agreement with the Redeveloper that shall include the terms and considerations of the transaction authorized by this ordinance.

Section 8. 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
11-29-2021
FOR: Director Wackers

