

Ordinance No. 539-2021

By Council Members Spencer, Brancatelli and Kelley (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 5506 Detroit, LLC, or its designee, and Mayekar Familia, LLC, or its designee, located at 5506 Detroit 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 Waverly & Oak Apartments 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, 5506 Detroit, LLC, or its designee, and Mayekar Familia, LLC, or its designee, for a nominal consideration of one dollar and other valuable consideration determined to be fair market value, the following properties 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 and more fully described as follows:

Legal Description

The Land referred to herein below is situated in the County of Cuyahoga, State of Ohio, and is described as follows:

Parcel No. 1 (003-09-083)

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being part of Sublot No. 363 in S.S. Stone's Subdivision of part of Original Brooklyn Township Lot No. 50, as shown by the recorded plat in Volume 2 of Maps, Page 19 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Detroit Avenue at a point 70 feet Easterly from the Southwesterly corner of Sublot No. 364 in said subdivision, said point being the Southeasterly corner of land conveyed to William H. Murphy and James V. O'Brien by deed dated October 20, 1904 and recorded in Volume 943, Page 627 of Cuyahoga County Records;

thence Easterly along the Northerly line of Detroit Avenue to the Southeasterly corner of Sublot No. 363;

thence Northerly along the Easterly line Sublot No. 363, 132 feet to the Northeasterly corner thereof;

thence Westerly along the Northerly line of Sublot No. 363 to the Northeasterly corner of land so conveyed to William H. Murphy and James V. O'Brien;

thence Southerly along the Easterly line of land conveyed to William H. Murphy and James V. O'Brien, as aforesaid, 132 feet to the place of beginning, as appears by said plat, be the same more or less.

Ordinance No. 539-2021

Parcel No. 2 (003-09-082)

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being part of Sublot No. 362 in S.S. Stone's Subdivision of part of Original Brooklyn Township Lot No. 50, as shown by the recorded plat in Volume 2 of Maps, Page 19 of Cuyahoga County Records, and being 50 feet front on the Northerly side of Detroit Avenue, and extending back of equal width 132 feet, as appears by said plat, be the same more or less.

Parcel No. 3 (003-09-067)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 377 in S.S. Stone's Subdivision of part of Original Brooklyn Township Lot No. 50, as shown by the recorded plat in Volume 2 of Maps, Page 19 of Cuyahoga County Records and being 50 feet front on the Southerly side of Tillman Avenue, (formerly Washington Street) and extending back of equal width 132 feet, as appears by said plat, be the same more or less.

Parcel No. 4 (003-09-068)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 376 in S.S. Stone's Subdivision of part of Original Brooklyn Township Lot No. 50, as shown by the recorded plat in Volume 2 of Maps, Page 19 of Cuyahoga County Records, and being 50 feet front on the Southerly side of Tillman Avenue (formerly Washington Street) and extending back of equal width 132 feet, as appears by said plat, be the same more or less.

Parcel No. 5 (003-09-069)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 375 in S.S. Stone's Subdivision of part of Original Brooklyn Township Lot No. 50, as shown by the recorded plat in Volume 2 of Maps, Page 19 of Cuyahoga County Records, and being 50 feet front on the Southerly side of Tillman Avenue, and extending back of equal width 132 feet, as appears by said plat, be the same more or less.

Parcel No. 6 (003-09-084)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Westerly 20 feet of Sublot No. 363 and the Easterly 15 feet of Sublot No. 364 in S.S. Stone's Subdivision of part of Original Brooklyn Township Lot No. 50, as shown by the recorded plat in Volume 2 of Maps, Page 19 of Cuyahoga County Records and together forming a parcel of land 35 feet front on the Northerly side of Detroit Avenue, and extending back of equal width 132 feet, as appears by said plat, be the same more or less.

Parcel No. 7 (003-09-085)

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

And known as being the westerly 35 feet from front to rear of Sub Lot No. Three Hundred Sixty-four (364) in S. S. Stone's Subdivision of part of Original Brooklyn Township Lot No. 50, as shown by the recorded plat of said Subdivision in Volume 2 of Maps, Page 19 of Cuyahoga County Records.

Said Part of Sublot No. 364 has a frontage of 35 feet on the northerly side of Detroit Avenue N.W., and extends back between parallel lines 132 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Ordinance No. 539-2021

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 properties and to employ and to cause 5506 Detroit, LLC, or its designee, and Mayekar Familia, LLC, or its designee, 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 deeds 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
7-14-2021
FOR: Interim Director Ebersole

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REPORT
after second Reading

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

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READ FIRST TIME on JULY 14, 2021

REPORTS

and referred to DIRECTORS of Economic 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

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Published in the City Record _____

PASSAGE RECOMMENDED BY
COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

