

Ordinance No. 456-2026

By Council Members Starr, Howse-Jones,
Santana and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Community Development to lease certain property located at 1301-1325 Chester Avenue to Playhouse Square Foundation, or its designee, for the purpose of operating a parking lot, for a term not to exceed ten years; authorizing the Director of Community Development to enter into an Option to Purchase Agreement with Playhouse Square Foundation, or its designee, in connection with the sale of the property; and authorizing the Commissioner of Purchases and Supplies to convey the property, which is no longer needed for the City's public use.

WHEREAS, the City of Cleveland owns certain properties located at 1301-1325 Chester, fronting on Payne Avenue, East 13th Street and Chester Avenue, Permanent Parcel Nos. 102-22-013 and 102-23-061 (the "Property"), which are not needed for the City's use; and

WHEREAS, Playhouse Square Foundation, or its designee ("Playhouse Square"), has proposed to lease the Property from the City and enter into an Option to Purchase Agreement for the Property; and

WHEREAS, Playhouse Square has proposed to develop and expand the theater district; 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 Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the Property is no longer needed for the City's public use.

Section 2. 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 Community Development is authorized to lease to Playhouse Square the Property which is more fully depicted in the map placed in **File No. 456-2026-A**.

Section 3. That the term of the lease authorized by this ordinance shall not exceed ten (10) years, commencing on the date of execution of the lease.

Section 4. That the Property shall be leased at a rental of \$25,000 annually, plus the amount of real estate taxes due for the previous year and billed in December of

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the previous year. Rent shall be payable in equal monthly installments due in advance on the first day of each month, and is exclusive of utilities.

Section 5. That the lease may authorize Playhouse Square to make improvements to the leased premises at its cost subject to the approval of appropriate City agencies and officials.

Section 6. 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 Community Development is authorized to enter into an Option to Purchase Agreement with Playhouse Square for the sale of the Property in connection with the future development of the Property to develop and expand the theater district.

Section 7. That the consideration paid by Playhouse Square for the Option to Purchase Agreement shall be \$10,000.

Section 8. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the Property to Playhouse Square under the Option to Purchase Agreement, at a price determined by appraisal to be \$1,600,000, taking into account all restrictions, development requirements, and encumbrances placed by the City of Cleveland in the deed of conveyance. Playhouse Square will be required to enter into a Community Benefits Agreement with the City in order to finalize the purchase.

Section 9. That the conveyance shall be made by an 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.

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Section 10. That the Director of Community Development, the Director of 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 11. That the lease, Option to Purchase Agreement, and other documents necessary to effectuate this ordinance shall be prepared by the Director of Law.

Section 12. That the proceeds from the lease, Option to Purchase Agreement, and sale of the Property shall be deposited into a fund or funds approved by the Director of Finance.

Section 13. 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
4-6-26

FOR: Director Miller-Tait

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[File No. 456-2026-A]

**REPORT
after second Reading**

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READ FIRST TIME on APRIL 6, 2026

REPORTS

and referred to DIRECTORS of Community Development, City Planning Commission, Finance, Law; COMMITTEES on Development Planning and Sustainability, Finance, Diversity, Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

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COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

FILED WITH COMMITTEE

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COMMITTEE ON
FINANCE, DIVERSITY, EQUITY
and INCLUSION**

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