

# Ordinance No. 945-2021 AS AMENDED

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

## AN EMERGENCY ORDINANCE

Authorizing the Director of Community Development to enter into a Purchase Agreement with The Near West Side Multi-Service Corporation aka May Dugan Center, relating to the sale and use of the property located at 4115 Bridge Avenue; authorizing the Commissioner of Purchases and Supplies to convey the property which is no longer needed for the City's public use; and to terminate the lease with the May Dugan Center.

WHEREAS, under the Lease Agreement authorized by Ordinance No. 565-15, passed June 1, 2015, and Ordinance No. 897-18, passed August 15, 2018, (the "Lease") the City of Cleveland is currently leasing City property located at 4115 Bridge Avenue, Cleveland, Ohio ("Property") to The Near West Side Multi-Service Corporation aka May Dugan Center ("May Dugan") to provide public health, recreation, social and similar community services for low and moderate income residents; and

WHEREAS, under the Lease, May Dugan presently holds a 20-year lease on the Property that ends in 2038 with an option to renew for an additional 20 years; and

WHEREAS, both the City and May Dugan wish to terminate the Lease and sell the Property to May Dugan; and

WHEREAS, the sale will support May Dugan's future expansion, increase the potential availability of public health, recreation, social and similar community services provided by May Dugan, and reduce the City's overall risk and liability profile; and

WHEREAS, the Property has been appraised for \$540,000 taking into account the "as is" condition of the building; and

WHEREAS, for the reasons above, the Director of Community Development has requested the sale of the Property no longer needed for the City's public use for purposes of continuing to provide public health, recreation, social and similar community services for low and moderate income residents; 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

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and determined that the following described property is no longer needed for the City's public use:

4115 Bridge Avenue  
PPN: 003-35-029

~~— Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublots Numbers 560 and 565, both inclusive, in the Barbor and Lord Subdivision of part of Original Brooklyn Township Lots Number 51, 52, 69 and 70 as shown by the Recorded Plat in Volume 2 of Maps, Page 17 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:~~

~~— Beginning in the Southeasterly line of Bridge Avenue N.W. (66 feet wide) at the most Westerly corner of said Sublot Number 560;~~

~~— Thence Northeasterly, along said Southeasterly line of Bridge Avenue N.W., 285.50 feet to the Southwesterly line of Randall Road N.W. (66 feet wide);~~

~~Thence Southeasterly, along said Southwesterly line of Randall Road N.W., 212.79 feet to the Northwesterly line of Fulton court N.W. (16 feet wide);~~

~~— Thence Southwesterly along said Northwesterly line of Fulton Court N.W., 286.35 feet to the most Southerly corner of said Sublot Number 560;~~

~~— Thence Northwesterly, along the Southwesterly line of said Sublot Number 560, 198.42 feet to the place of beginning and containing about 58,700 square feet of land, as appears by said plat, be the same more or less, but subject to all legal highways.~~

## **Legal Description for 4115 Bridge Avenue**

**PPN: 003-35-029**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sub Lots Nos. 560, 561, 562, 563, 564 and 565 in Barber and Lord Allotment of part of Original Brooklyn Township Lots Nos. 51, 52, 69, and 70, as shown by the recorded plat in Volume 11 of Maps, Page 26 of Cuyahoga County Records, together forming a parcel of land having a frontage of 285.50 feet on the Southeasterly side of Bridge Avenue, N. W., and extending back 198.42 feet on the Southwesterly line, 212.80 feet on the Northeasterly line, which is the Southwesterly line of Randall Road, N. W., and having a rear line of 236.12 feet along the Northwesterly side of Fulton Court, N. W., as appears by said plat, be the same more or less, but subject to all legal highways.

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 enter into a Purchase Agreement with May Dugan relating to the sale and future use of the property described above. The Purchase Agreement must include, but not be limited to, the following:

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a. Establishment of a deed restriction that would require the Property to be used, in perpetuity, for public health, recreation, social and similar community services for low and moderate income, City of Cleveland residents. ~~The Property would revert back to the City if May Dugan, or its successor, ceases to use the Property in such a manner.~~

b. May Dugan must pay the appraised value of \$540,000 or compensate the City with in-kind services of discounted or free ~~health~~ services to low and moderate income, City of Cleveland residents in the amount of the appraised value of the Property.

c. May Dugan must agree to be subject to any restrictions required by the United States Department of Housing and Urban Development.

d. Termination of the Lease with May Dugan.

Section 3. That by and at the direction of the Board of Control and notwithstanding any provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Mayor and the Commissioner of Purchases and Supplies are authorized to convey the above-described Property to May Dugan at a price not less than \$1.00, and other valuable consideration as listed in Section 2, taking into account the restrictions and consideration above which is determined to be fair market value.

Section 4. That the Mayor is authorized to place a declaration of covenants and restrictions on the City-owned property described above. The Declaration of Covenants and Restrictions must require the Property be used, in perpetuity, for public health, recreation, social and similar community services for low and moderate income, City of Cleveland residents. ~~The Property would revert back to the City if May Dugan, or its successor, ceases to use the Property in such a manner.~~

Section 5. That the conveyance must 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 must contain necessary provisions, including restrictive reversionary interests and encumbrances placed by the City of Cleveland in the deed of conveyance as may be specified by the Board of Control or Director of Law, that will protect the parties as their respective interests require and must specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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Section 6. That the Lease is terminated upon the transfer of the Property described above.

Section 7. That the Purchase Agreement and other appropriate documents needed to effectuate this ordinance shall be prepared by the Director of Law.

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.

GEP:nl  
10-18-2021  
FOR: Director Wackers

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**THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:**

1. In Section 1, strike the existing legal description and insert the following:

**“Legal Description for 4115 Bridge Avenue**

**PPN: 003-35-029**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sub Lots Nos. 560, 561, 562, 563, 564 and 565 in Barber and Lord Allotment of part of Original Brooklyn Township Lots Nos. 51, 52, 69, and 70, as shown by the recorded plat in Volume 11 of Maps, Page 26 of Cuyahoga County Records, together forming a parcel of land having a frontage of 285.50 feet on the Southeasterly side of Bridge Avenue, N. W., and extending back 198.42 feet on the Southwesterly line, 212.80 feet on the Northeasterly line, which is the Southwesterly line of Randall Road, N. W., and having a rear line of 236.12 feet along the Northwesterly side of Fulton Court, N. W., as appears by said plat, be the same more or less, but subject to all legal highways.”.

2. In Section 2a. at the end and in Section 4 at the end, strike in both places “The Property would revert back to the City if May Dugan, or its successor, ceases to use the Property in such a manner.”.

3. In Section 2b. line 2, after “free” strike “health”.

Date: \_\_\_\_\_ (Signed): \_\_\_\_\_

George Peters  
Assistant Director of Law

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