

Ordinance No. 703-2019

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

AN EMERGENCY ORDINANCE

Authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located near the intersection of West 9th Street and Fruit Avenue to Brett McCoy, for purposes of yard expansion.

WHEREAS, the Director of Capital Projects has requested the sale of the City-owned property to Brett McCoy no longer needed for the City's public use and located near the intersection of West 9th Street and Fruit Avenue, a portion of Permanent Parcel No. 004-22-096, for purposes of yard expansion; 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, it is found and determined that the following described property (a portion of Permanent Parcel No. 004-22-096) is no longer needed for the City's public use:

**LEGAL DESCRIPTION
OF
CITY CONVEYANCE
CLARENCE COURT HILLSIDE
PART OF P.P.N. 004-22-096
CITY OF CLEVELAND, OHIO**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 61, 62, and 63 in the Brayton Re-Allotment of part of the Original Brooklyn Township Lot No. 86, as shown by the plat recorded in Volume 4, Page 18 of Cuyahoga County Map Records and a portion of West 9th Street and Clarence Court S.W. as vacated by City of Cleveland Ordinance No. 2019-74 and further bounded and described as follows:

Beginning at the intersection of the southerly right of way of Brayton Avenue (formerly Brayton Street) (40 feet wide) and the easterly right of way of West 9th Street (16 feet wide), also known as being the northwesterly corner of Lot A in the Clarence Court Townhomes Subdivision as shown by the plat recorded in Volume 345, Page 67 of Cuyahoga County Map Records;

Thence South 00°14'08" East along the easterly right of way of West 9th Street, 80.03 feet to southwesterly corner of said Lot A;

Ordinance No. 703-2019

Thence North $88^{\circ}17'59''$ East along southerly line of Lot A, 20.01 feet to the southwesterly corner of Lot B-5 in said Clarence Court Townhomes Subdivision and being the **Principal Place of Beginning** of the premises herein described;

Thence North $88^{\circ}17'59''$ East along said southerly line of Lot B-5, 22.05 feet to a westerly line of Lot C in said Clarence Court Townhomes Subdivision;

Thence South $01^{\circ}42'01''$ East along a westerly line of said Lot C, 63.00 feet;

Thence North $88^{\circ}17'59''$ East along a southerly line of said Lot C, 30.00 feet;

Thence South $01^{\circ}42'01''$ East along a westerly line of said Lot C, 12.00 feet;

Thence South $77^{\circ}40'15''$ East along a southerly line of said Lot C, 30.92 feet to the easterly line of Sublot 61 in the Brayton Re-Allotment;

Thence South $88^{\circ}17'59''$ West, 120.17 feet to the westerly right of way of vacated West 9th Street, also being the easterly line of land conveyed to Wanda Dubaniewicz by the deed recorded in AFN. 200603270702 of Cuyahoga County Deed Records;

Thence North $00^{\circ}14'08''$ West along the westerly right of way of vacated West 9th Street and said easterly line of land conveyed to Wanda Dubaniewicz, 52.45 feet to the southerly right of way of Fruit Avenue (formerly Fern Street) (40 feet wide);

Thence North $88^{\circ}18'45''$ East along the southerly right of way of Fruit Avenue, 16.51 feet to a point of curvature;

Thence along a curve deflecting to the left, an arc of 30.91 feet and a delta of $88^{\circ}32'53''$, said curve having a radius of 20.00 feet, and a chord that bears North $44^{\circ}02'19''$ East, 27.92 feet to a point of tangency;

Thence North $00^{\circ}14'08''$ West, 10.59 feet to the southwesterly corner of said Lot B-5 and being the **Principal Place of Beginning** and containing 0.1050 acres of land, as surveyed and described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in October 2018, subject to all legal highways, restrictions, reservations and easements of record.

Deeds of Reference:

P.P.N. 004-22-096

Land conveyed to City of Cleveland by deed dated August 16, 1983 and recorded in Volume 242, Page 189 of Cuyahoga County Deed Records.

Basis of Bearing:

The centerline of Starkweather Avenue as North $88^{\circ}16'51''$ East as an assumed meridian and is intended to indicate angles only.

Ordinance No. 703-2019

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Brett McCoy at a price not less than the appraised value of \$9,100, which is determined to be fair market value.

Section 3. That the conveyance 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 City's interests and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 4. That the Director of Capital Projects is authorized to execute any documents as may be necessary to effectuate the purposes of this ordinance.

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.

SM:nl
6-3-19

FOR: Director Spronz

Ord. No. 703-2019

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

AN EMERGENCY ORDINANCE

Authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located near the intersection of West 9th Street and Fruit Avenue to Brett McCoy, for purposes of yard expansion.

READ FIRST TIME on JUNE 3, 2019
and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **106** Page _____

Published in the City Record _____

REPORT
after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

