

Ordinance No. 502-2022

By Council Members Gray, Kazy, Hairston and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Commissioner of Purchases and Supplies to sell certain City-owned property not needed for public use located in the vicinity of 9103 Buckeye Road to Miceli-Lograsso Development Company, LLC for purposes of business expansion; and proffering certain representations for purposes of the Amended and Restated Trust Indenture from the City of Cleveland.

WHEREAS, the Director of Public Utilities has requested the sale of certain City-owned properties to Miceli-Lograsso Development Company, LLC (“Miceli-Lograsso”) not needed for public use and located in the vicinity of 9103 Buckeye Road for purpose of business expansion; and

WHEREAS, Permanent Parcel Nos. 126-14-033 and 126-14-104 are located in the vicinity of 9103 Buckeye Road, are not useful in the operation of the Division of Cleveland Public Power (“CPP”), and the aggregate book value of these CPP properties is not more than one percent (1%) of the book value of the total assets of CPP; 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 properties, Permanent Parcel Nos. 126-14-033 and 126-14-104, are not needed for public use:

9103 Buckeye
Permanent Parcel No. 126-14-033

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Sublot Nos. 2, 3, 4, 5, 6, 7, 8 and 9 in Reubin Yeakel’s Subdivision of part of Original One Hundred Acre Lot Nos. 417, 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 16 of Cuyahoga County Records and part of Sublot Nos. 151, 152, 153 and 154 in Hamilton and Wyman's Subdivision of part of Original One Hundred Acre Lot Nos. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and all of the Consolidated Lot in the Lot Consolidation Plat of P.P # 126-14-033, 034, 035, 036, 037, 038, 039, 040, 041 & 123 as shown by the recorded plat in Volume 287 of Maps, Page 96 of Cuyahoga County Records, further bounded-and decribed as follows: Beginning at a 5/8" iron pin set at the intersection of the northwesterly line of East 92nd Place, 12 feet wide, with the northeasterly line of Buckeye Road SE, 80 feet wide, (formerly Woodland Avenue) as widened by the recorded plat in Volume 11 of Maps, Page 2 of Cuyahoga County Records;

Course 1 thence along the northeasterly line of Buckeye Road SE as widened, North 56°08'00" West, a distance of 425.69 feet to a 5/8" iron pin set on the southeasterly line of Sublot No. 1 in aforementioned Reubin Yeakel's Subdivision;

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Course 2 thence along the southeasterly line of said Sublot No. 1, North 33°30'00" East, a distance of 56.53 feet to a 5/8" iron pin set on the southerly line of aforementioned Hamilton and Wyman's Subdivision;

Course 3 thence along the southerly line of said Hamilton and Wyman's Subdivision, Due East, a distance of 93.67 feet to a 5/8" iron pin set at the southwesterly corner of land conveyed by Nicholas Chimo and Marie Chimo to John Weizer and Anna Weizer by deed dated June 14, 1907 and recorded in Volume 1089, Page 388 of Cuyahoga County Records;

Course 4 thence along the westerly line of land so conveyed to John Weizer and Anna Weizer, North 00°10'14" East, a distance of 25.98 feet to a 5/8" iron pin set at the southwesterly corner of land conveyed by Julius Peidl and Joan Peidl to Louis Ronyhart, Anna Ronyhart and Anna Bognar by deed dated July 6, 1944 and recorded in Volume 5694, Page 120 of Cuyahoga County Records;

Course 5 thence along the southerly line of land so conveyed to Louis Ronyhart, Anna Ronyhart and Anna Bognar, parallel with the southerly line of Cumberland Avenue SE, 50 feet wide, (formerly Charles Street), South 89°49'46" East, a distance of 57.66 feet to a 5/8" iron pin set on the westerly line of land conveyed by Frank Szabados to Andrew Szabados and Margaret Szabados by deed dated April 16, 1940 and recorded in Volume 5122, Page 4 of Cuyahoga County Records;

Course 6 thence along the westerly line of land so conveyed to Andrew Szabados and Margaret Szabados, South 00°10'14" West, a distance of 5.00 feet to a 5/8" iron pin set at the southwesterly corner therein;

Course 7 thence along the southerly line of land so conveyed to Andrew Szabados and Margaret Szabados and the southerly line of land conveyed by Jolan Yando to Julius Beney by deed dated June 13, 1944 and recorded in Volume 5689, Page 182 of Cuyahoga County Records, parallel with the southerly line of Cumberland Avenue SE, South 89°49'46" East, a distance of 59.00 feet to a 5/8" iron pin set on the westerly line of lands conveyed by Martin L. O'Donnel, Sheriff of Cuyahoga County, Ohio to The Quincy Savings and Loan Company by Sheriffs deed dated June 23, 1937 and recorded in Volume 4815, Page 619 of Cuyahoga County Records;

Course 8 thence along the westerly line of land so conveyed to The Quincy Savings and Loan Company, South 00°10'14" West, a distance of 20.63 feet to a 5/8" iron pin set on the southerly line of aforementioned Hamilton and Wyman's Subdivision;

Course 9 thence along the southerly line of said Hamilton and Wyman's Subdivision, Due East, a distance of 153.04 feet to a 5/8" iron pin set on the northwesterly line of Tanto Court SE, 12 feet wide;

Course 10 thence along the northwesterly line of Tanto Court SE, South 33° 41'01" West, a distance 107.25 feet to a 5/8" iron pin set at an angle point therein;

Course 11 thence along the southwesterly line of Tanto Court SE, South 28°33'00" East, a distance of 139.89 feet to a 5/8" iron pin set at its intersection with the northwesterly line of East 92nd Place;

Course 12 thence along the northwesterly line of East 92nd Place, South 33°52'00" West, a distance of 87.00 feet to the place of beginning and containing 1.4963 acres of land according to a survey by Matthew C. Neff, Ohio Professional Surveyor #7315, of the

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M Neff Design Group, dated July 15, 2010, be the same more or less subject to all legal highways.

NOTE: Bearings shown hereon are to an assumed meridian and are used to denote angles only. Monuments described as 5/8" iron pins set are 5/8" diameter by 30" long rebar with cap stamped 'M NEFF 7315'.

9108 Cumberland Avenue
Permanent Parcel No. 126-14-104

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Sublot No. 151 Hamilton & Wyman's Allotment of part of Original Ten Acre Lot Nos. 7, 8 and 9 of John Remington's Subdivision of part of Original One Hundred Acre Lot No. 416, as recorded in Volume 5 of Maps, Page 22 of Cuyahoga County Records, bounded as follows:

Beginning at the Northeasterly Corner of said Sublot No. 151 in the Southerly Line of Cumberland Avenue, S.E, thence Southerly along the Easterly Line of said Sublot, 141 04/100 Feet to the Southeasterly Corner thereof; thence Westerly along the Southerly Line Sublot, 30 Feet; thence Northerly parallel with the Easterly Line of said Sublot 41 14/100 Feet to the Southerly Line of Cumberland Avenue, S.E., thence Easterly along the Southerly Line of Cumberland Avenue, S.E., 30 Feet to the place of beginning, according to the survey of Charles W. Root, Civil Engineer, October 1918, be the same more or less, but subject to all legal highways.

Section 2. That by and at the direction of the Board of Control, the Mayor and the Commissioner of Purchases and Supplies are authorized to sell the above-described properties to Miceli-Lograsso at the appraised value of \$295,000 for Permanent Parcel No. 126-14-033, and the County appraised value of \$2,900 for Permanent Parcel No. 126-14-104, which are determined to be fair market value, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deeds of conveyance.

Section 3. That the conveyances shall be made by official deed 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. The deeds 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.

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

Section 5. That the proceeds of the sale of the above-described properties shall be deposited in the System Enhancement Fund, as required by Section 5.03(c) of the Amended and Restated Trust Indenture, as amended.

Section 6. 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.

CH:nl
5-16-2022
FOR: Director Keane

