

Ordinance No. 1057-2021

By Council Members Gray, 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 Reserve Premier, LLC, or its designee, located at East 55th Street and Sweeney 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 Reserve Premier Development 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, Reserve Premier, LLC, or its designee, for a nominal consideration of one dollar and other valuable consideration determined to be fair market value, the following property 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. The Real Property is more fully described below and as may subsequently be replatted, re-numbered, or revised:

Legal Descriptions

Parcel 123-15-031:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original 100 Acre Lot No. 324, and known as being all of Parcel 1B as shown on the Plat of Lot Split and Consolidation for Industrial Properties, Inc. recorded in Volume 284, Page 52 of Cuyahoga County Records, said premises containing 1.1343 acres of land, be the same more or less, but subject to all legal highways and easements of record.

Parcel 123-15-034:

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

And being farther known as part of Sub lot No. 1 in the Osco, Steel Company Resubdivision of part of Original 100 Acre Lots No. 280 and 324 as shown by the recorded plat in Volume 177, Page 7 of Cuyahoga County Records, being further bounded and described as follows:

Beginning at a point on the southwesterly line of Bragg Road, S.E., 50 feet wide, said point also being the most northerly corner of said Sublot No. 1, said point also being the most northerly corner of Parcel No. 1 in the Consolidation and repartition Plat for Teledyne Industries, Inc., as shown by the recorded plat in Volume 261, Page 20 Cuyahoga County Records.

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Thence South 48° 57' 04" East along the southwesterly line of said Bragg Road, S.E., 245.03 feet to the northerly corner of a parcel of land conveyed to Central Brass Mfg. Co. by deed dated May 27, 1977 and recorded in Volume 14474, Page 135 of Cuyahoga County Records;

Thence along a southeasterly line of Sublot No. 1 and of Parcel No. 1 and the northwesterly line of Central Brass Mfg. Co., as aforesaid, South 41° 02' 56" West, 120.00 feet:

Thence along the northeasterly line of Sublot No. 1 and Parcel No. 1 and the Southwesterly line of Central Brass Mfg. Co., South 48° 57' 04" East, 70.01 feet;

Thence along the face of a brick wall South 48° 47' 20" East, 14.50 feet to an angle point;

Thence along the face of a brick wall North 89° 51' 45" East, 18.08 feet;

Thence along the westerly face of a concrete wall South 00° 10' 40" West 43.53 feet;

Thence along the prolongation of the southerly face of a block wall and the southerly face of a block wall, South 89° 49' 20" East 4.65 feet;

Thence along the westerly face of concrete wall South 00° 10' 40" West 10.53 feet;

Thence along the northerly face of a block wall Due West 2.24 feet;

Thence along the easterly face of a block wall, Due North 0.43 feet,

Thence along the northerly face of a block wall, Due West 2.14 feet;

Thence along the prolongation of the exterior face of a brick wall and the exterior face of a brick wall, South 01° 01' 00" West 88.94 feet;

Thence due West, 250.91 feet to a westerly line of said Sublot No. 1 and said Parcel No. 1:

Thence North 01° 19' 29" East, 22.41 feet along a westerly line of said Sublot No. 1 and said Parcel No. 1 to an angle point therein;

Thence along a southerly line of Sublot No. 1 and Parcel No. 1, South 89° 57' 51" West, 122.20 feet to the southwesterly corner of Sub lot No. 1 and Parcel No. 1;

Thence along the westerly line of Sublot No. 1 and Parcel No. 1 North 01° 18' 36" East, 70.00 feet to an angle point;

Thence North 00° 04' 24" West along the westerly line of said Sublot No. 1 and said Parcel No. 1, 257.30 feet to the northwesterly corner of said Sublot No. 1 and said Parcel No. 1;

Thence North 89° 57' 56" East along the northerly line of said Sublot No. 1 and said Parcel No. 1, 98.12 feet to an angle point therein;

Thence North 41° 02' 56" East along a northwesterly line of said Sublot No. 1 and said Parcel No. 1, 132.34 feet to the principal place of beginning and containing 2.9557 acres of and.

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NOTE: Bearings are based on an assumed meridian and are used to denote angles only.

The above described premises is known as Parcel 1-A in the Plat of Lot Split and Consolidation for Industrial Properties, Inc. as shown by the recorded plat in Volume 284 of Maps, Page 52 of Cuyahoga County Records.

The Premises described above are conveyed subject to, and there are excepted from the limited warranty covenants, the following: reservations, restrictions and easements of record, zoning ordinances, legal highways, and taxes and assessments not yet due and payable, if any.

And the said Grantor does, for itself and its successors and assigns, covenant with the said Grantee, its successors and assigns, that it will warrant and defend title to said Premises, with the appurtenances thereunto belonging, to said Grantee, its successors and assigns, against all lawful claims and demands from, through or under it, but against no others.

Parcel 123-15-043:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Parcel 2 in the Consolidation & Repartition Plat for Teledyne Industries, Inc., of part of Original 100 Acre Lot No. 324, as shown by the recorded Plat in Volume 261, Page 20 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel 123-15-044:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Parcel A in the Lot Split & Consolidation Survey for 55th Street, LLC, of part of Original 100 Acre Lot No. 324, as shown by the recorded Plat in Volume 354, Page 22 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel 123-15-047:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Parcel B in the Lot Split & Consolidation Survey for 55th Street, LLC, of part of Original 100 Acre Lot No. 324, as shown by the recorded Plat in Volume 354, Page 22 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

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 property and to employ and to cause Reserve Premier 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.

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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 conveyance 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.

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
11-22-2021
FOR: Interim Director Ebersole

