

Ordinance No. 246-2025

Desk copy prepared for 4-14-25 meeting

AN EMERGENCY ORDINANCE

Authorizing the Directors of Parks and Recreation and Community Development to enter into a property exchange agreement with the Board of Education of the Cleveland Municipal School District for the transfer of various properties between the parties to facilitate the efficient use of real estate for public purposes including construction of the new JFK High School Athletic Stadium at property near the new JFK High School and City-owned ~~JFK~~ Frederick Douglass Recreation Center; authorizing the Mayor and Commissioner of Purchases and Supplies to acquire and convey the properties; and authorizing one or more agreements between the Cleveland Municipal School District and the Director of Parks and Recreation relating to the construction and shared use of the new stadium, for a term of a minimum of fifteen years and renewing automatically from year to year thereafter until terminated by either party.

WHEREAS, Section 3313.40 of the Revised Code permits a board of education and a municipal corporation to exchange real estate upon a vote of a majority of members of the board of education and a concurring vote of the legislative authority declaring that said exchange will be mutually beneficial to both parties; 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 the Directors of Parks and Recreation and Community Development are authorized to enter into a property exchange agreement (the “Agreement”) with the Board of Education of the Cleveland Municipal School District (“CMSD”) for the mutually-beneficial exchange of various properties between the parties needed to facilitate the efficient use of real estate for public purposes including construction of the new JFK High School Athletic Stadium at property near the new JFK High School and City-owned ~~JFK~~ Frederick Douglass Recreation Center, which Agreement shall include provisions necessary to implement this ordinance. The new JFK High School Athletic Stadium will be comprised of the Stadium, an artificial turf field, track, grandstand, field house and other amenities (the “Stadium”) and reversionary rights as agreed upon by the parties.

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Section 2. 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 accept the following properties from CMSD for future community and economic development opportunities:

Former JFK High School
14.2288 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 29, all of Sublot Nos. 30 to 39 inclusive and part of a vacated 20-foot alley in the Harvard Heights Subdivision of part of Original Warrensville Township Lot No. 73 as recorded in Volume 100, Page 33 of the Cuyahoga County Map Records, all of Parcel "B" in the Cleveland Board of Education Parcel Split as recorded in Volume 251, Page 34 of the Cuyahoga County Map Records and other land in Original Warrensville Township Lot No. 73. Also being the land conveyed to the Board of Education of the Cleveland City School District as recorded in Volume 10184, Page 529, Volume 10184, Page 531, Volume 10994, Page 505 and Volume 11682, Page 269 of the Cuyahoga County Records and part of the land conveyed to the Board of Education of the Cleveland City School District as recorded in Volume 11682, Page 259, Volume 11682, Page 263 and Volume 12767, Page 175 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at a 1" iron pin found in a monument box at the intersection of the centerline of Lee Road (80 feet wide) and the centerline of Harvard Avenue (80 feet wide);

Thence, along the centerline of Harvard Avenue, North 89° 11' 10" East, 958.58 feet;

Thence, leaving the centerline Harvard Avenue, South 00° 48' 50" East, 40.00 feet to a 7/8" iron pin found in the southerly right of way of Harvard Avenue at the northeasterly corner of Parcel "AA" in Map of Lot Split and Consolidation as recorded in Volume 325, Page 9 of the Cuyahoga County Map Records and the **True Point of Beginning** for the parcel herein described;

Thence, along the southerly right of way of Harvard Avenue, North 89° 11' 10" East, 451.42 feet to an iron pin set at the northeasterly corner of said Sublot No. 39;

Thence, leaving the southerly right of way of Harvard Avenue, along the easterly line of said Sublot No. 39 and its southerly prolongation, South 00° 48' 50" East, 144.00 feet to the centerline of a vacated 20-foot alley, said point being referenced by a railroad spike found 0.15 feet North and 0.09 feet East;

Thence, along the centerline of a vacated 20-foot alley, North 89° 11' 10" East, 45.00 feet to the northwesterly corner of land conveyed to the City of Cleveland as recorded in Volume 7085, Page 12 of the Cuyahoga County Records, said point being referenced by a drill hole found 0.28 feet North and 0.15 feet East;

Thence, along the westerly line of said land conveyed to the City of Cleveland, South 00° 48' 50" East, 76.00 feet to the southwesterly corner thereof, said point being referenced by a cut cross found 0.06 feet North and 0.44 feet West;

Thence, along the southerly line of said land conveyed to the City of Cleveland, North 89° 11' 10" East, 135.00 feet to a 7/8" iron pin found at the southeasterly corner thereof;

Thence, along the easterly line of said land conveyed to the City of Cleveland, North 00° 48' 50" West, 66.00 feet to the southerly line of a vacated 20-foot alley, said point being referenced by a drill hole found 0.26 feet North;

Thence, along the southerly line of a vacated 20-foot alley, North 89° 11' 10" East, 50.00 feet to the westerly line of Parcel "A" in Lot Split Plat recorded in Volume 276, Page 62 of the Cuyahoga County Map Records, said point being referenced by a 5/8" iron pin found 0.25 feet South and 0.19 feet West;

Thence, along the westerly and southerly lines of said Parcel "A", the following four courses;

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South 00° 48' 50" East, 265.00 feet and passing through a MAG nail set at 240.00 feet;

Thence, North 89° 11' 10" East, 129.82 feet to an iron pin set and passing through an iron pin set at 10.00 feet;

Thence, South 00° 48' 50" East, 110.00 feet to an iron pin set;

Thence, North 89° 11' 10" East, 205.98 feet to an iron pin set in the westerly line of the Kolar-Hanus Subdivision as recorded in Volume 104, Page 40 of the Cuyahoga County Map Records;

Thence, along the westerly line of the Kolar-Hanus Subdivision, South 01° 42' 08" East, 304.53 feet to an iron pin set in the northerly line of the Adler Subdivision as recorded in Volume 149, Page 10 of the Cuyahoga County Map Records;

Thence, along the northerly line of the Adler Subdivision, North 88° 27' 14" West, 1022.80 feet to an iron pin set at the southeasterly corner of said Parcel "AA" in Map of Lot Split and Consolidation;

Thence, along the easterly line of Parcel "AA" in Map of Lot Split and Consolidation, North 00° 48' 50" West, 791.38 feet to the point of beginning.

Containing within said bounds 14.2288 acres (619,807 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in April 2022.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

Section 3. That according to the Agreement referenced above and by and at the direction of the Board of Control, the Mayor and the Commissioner of Purchases and Supplies are authorized to convey the following properties to CMSD for various school purposes:

PPN 108-30-062

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:
And known as being Sublot 125 in the Cleveland Realty Company's Subdivision of part of Original 100 Acre Lot Nos. 362 and 370, as shown by the recorded plat in Volume 24 of Maps, Page 17 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Property Address: 777 Parkwood Drive, Cleveland, OH 44108

PPN 108-29-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:
And known as being the southwesterly part of Sublot No. 126 in the Cleveland Realty Company's Subdivision of part of Original 100 Acre Lot Nos. 362 and 370, as shown by the recorded plat in Volume 24 of Maps, Page 17 of Cuyahoga County Records, and being 35 feet front on the easterly side of Parkwood Drive, N.E., (formerly Parkwood

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Boulevard), and extending back of equal width along the southerly line of said Sublot No. 126, 120 feet deep, be the same more or less, but subject to all legal highways.

Property Address: 773 Parkwood Drive, Cleveland, OH 44108

PPN 016-14-059

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:
And known as being Sublot No. 21 in Rhodes, Hartnell and Barber’s Allotment of part of Original Brooklyn Township Lot No. 54, as shown by the recorded plat in Volume 5 of Maps, Page 3 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Property Address: 3172 W. 44 Street, Cleveland, OH 44109

Section 4. That this Council finds that the transactions contemplated in this ordinance are mutually beneficial to the City and the CMSD.

Section 5. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Mayor and the Commissioner of Purchases and Supplies are authorized to acquire, accept, record, and convey the properties necessary to implement the Agreement, including but not limited to gift, fee simple acquisitions, temporary and permanent easements, and work agreements.

Section 6. That the conveyances shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City. 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 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.

Section 7. That notwithstanding and as an exception to the provisions of Chapters 183.07 of the Codified Ordinances of Cleveland, Ohio, 1976, the transfer of properties between CMSD and the City are at no cost to either party, with all of the

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transactions together acknowledged and determined to be a fair market value transaction.

Section 8. That the Director of Parks and Recreation is authorized to enter into one or more agreements with CMSD for the construction of the Stadium by CMSD on the following described property:

Parcel A
16.3785 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot Nos. 71 and 72, all of Sublots 491 through 519 and Sublots 405 through 409 in The Miles – Harvard Park Subdivision No. 4 as recorded in Volume 68 Page 30 of the Cuyahoga County Map Records, all of Sublots 552 through 556 and part of Sublot 557 in The Miles – Harvard Park Subdivision No. 5 as recorded in Volume 88 Page 26 of the Cuyahoga County Map Records, part of East 154th Street vacated 1-28-1952 by City of Cleveland Ordinance 2009-51 and part of South Lotus Drive vacated 7-7-1952 by City of Cleveland Ordinance No. 1438-52. Also being the land conveyed to City of Cleveland as recorded in Volume 6808 Page 115 and Certificate of Title Nos. 55616, 55617, 56521, 56804, 56805, 58645, 59280, 65123, 65134 and 79688 of the Cuyahoga County Records and part of the land conveyed to City of Cleveland as recorded in Volume 6245 Page 188, Volume 6806 Page 381 and Certificate of Title Nos. 55460 and 55618 of the Cuyahoga County Records being more definitely described as follows;

Commencing at the intersection of the easterly line of Original Warrensville Township Lot No. 72 and the centerline of Miles Avenue (width varies), said point being referenced by a ¾" iron pipe in a monument box found 0.10 feet South;

Thence, along the easterly line of Original Warrensville Township Lot No. 72, North 01° 04' 43" West, 45.83 feet to the northerly right of way of Miles Avenue and the **True Point of Beginning** for the parcel herein described;

Thence, along the northerly right of way of Miles Avenue the following two courses;

North 70° 50' 21" West, 135.47 feet to an iron pin set;

Thence, along the arc of a curve which deflects to the right, 39.26 feet to an iron pin set in the easterly right of way of East 151st Street (50 feet wide), said curve having a radius of 25.00 feet, a central angle of 89° 58' 41" and a chord of 35.35 feet which bears North 25° 51' 00" West;

Thence along the easterly right of way of East 151st Street the following three courses;

Along the arc of a curve which deflects to the left, 129.77 feet to an iron pin set, said curve having a radius of 368.00 feet, a central angle of 20° 12' 15" and a chord of 129.10 feet which bears North 09° 02' 13" East;

Thence North 01° 03' 54" West, 512.57 feet to an iron pin set;

Thence, along the arc of a curve which deflects to the right, 44.60 feet to an iron pin set in the southerly right of way of Lotus Drive (60 feet wide), said curve having a radius of 40.00 feet, a central angle of 63° 53' 30" and a chord of 42.33 feet which bears North 30° 52' 51" East;

Thence along the southerly right of way of Lotus Drive the following three courses;

Along the arc of a curve which deflects to the right 258.09 feet to an iron pin set, said curve having a radius of 1391.67 feet, a central angle of 10° 37' 33" and a chord of 257.72 feet which bears North 68° 08' 23" East;

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Thence North 73° 27' 09" East, 280.26 feet to an iron pin set;

Thence North 88° 54' 21" East, 317.31 feet to an iron pin set in the centerline of vacated South Lotus Drive (50 feet wide);

Thence along the centerline of vacated South Lotus Drive the following two courses;

South 00° 57' 39" East, 34.57 feet to an iron pin set;

Thence along the arc of a curve which deflects to the left, 61.28 feet to an iron pin set, said curve having a radius of 65.00 feet, a central angle of 54° 01' 00" and a chord of 59.04 feet which bears South 27° 58' 09" East;

Thence, leaving said centerline, South 00° 00' 00" West, 550.07 feet to an iron pin set;

Thence North 90° 00' 00" West, 276.09 feet to an iron pin set;

Thence South 08° 21' 36" East, 21.61 feet to an iron pin set;

Thence South 00° 42' 19" West, 225.59 feet to an iron pin set;

Thence South 11° 28' 11" West, 202.90 feet to an iron pin set in the northerly right of way of Miles Avenue;

Thence, along the northerly right of way of Miles Avenue, North 70° 50' 21" West, 451.40 feet to the point of beginning.

Containing within said bounds 16.3785 acres (713,446 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in January, February and March, 2016.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

Bearings are based on the Ohio State Plane, North Zone NAD83(2011) Grid North.

The agreement referenced in this section shall include, but not be limited to, the City's obligation to provide up to \$2.1 million dollars in funding to CMSD for construction of the Stadium, payable from Fund No. ~~20-SF-174~~ 20 SF 714 and from any other funds approved by the Director of Finance. (RQS 0103, RL 2025-21)

Section 9. That the Director of Parks and Recreation is authorized to enter into a Shared-Use Agreement with CMSD for the use of the Stadium by the City. The Shared Use Agreement shall be at no cost to either party and shall be for a term of a minimum of fifteen years and renew automatically from year to year thereafter until terminated by either party.

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Section 10. That the agreements authorized in this ordinance shall be prepared by the Director of Law and shall contain provisions necessary to protect and benefit the City.

Section 11. That the Directors of Community Development, Parks and Recreation, Law, and other appropriate City officials, as appropriate, 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 12. 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.

LH:GB:nl
2-24-25

FOR: Directors Nichols and Hernandez

Mr.
An Emergency Ordinance authorizing the Directors of Parks and Recreation and Community Development to enter into a property exchange agreement with the Board of Education of the Cleveland Municipal School District for the transfer of various properties between the parties to facilitate the efficient use of real estate for public purposes including construction of the new JFK High School Athletic Stadium at property near the new JFK High School and City-owned JFK Recreation Center; authorizing the Mayor and Commissioner of Purchases and Supplies to acquire and convey the properties; and authorizing one or more agreements between the Cleveland Municipal School District and the Director of Parks and Recreation relating to the construction and shared use of the new stadium, for a term of fifteen years and renewing automatically from year to year thereafter until terminated by either party.

READ FIRST TIME

REPORTS

and referred to _____

by the council _____

CITY CLERK

READ SECOND TIME
by the council _____

CITY CLERK

READ THIRD TIME
by the council _____

PRESIDENT

CITY CLERK

APPROVED

MAYOR

