

Ordinance No. 1273-2019

Council Member Hairston, Brancatelli, 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 Landmark at the Lake, LLC, or its designee, located on vacant land at, and adjacent to, 5455 North Marginal Road 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.

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, Landmark at the Lake, 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 and more fully described as follows:

The land referred to herein below is situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and is described as follows:

And known as being part of Original Ten Acre Lot No. 166, and bounded and described as follows:

Beginning on the Westerly line of East 55th Street (100 feet wide), at its point of intersection with the Northeasterly prolongation of the Northwesterly line of Lake Court N.E. (formerly Lake View Avenue, 50 feet wide);

Thence South 58 deg. 03' 50" West, along said Northeasterly prolongation and along said Northwesterly line of Lake Court N.E., 211.51 feet to the most Southerly corner of Sublot No. 1, in J.G. Bruggeman's Subdivision of part of Original Ten Acre Lot No. 166, as shown by the recorded plat in Volume 5 of Maps, Page 43 of Cuyahoga County Records;

Thence North 31 deg. 56' 10" West, along the Southwesterly line of said Sublot No. 1, which is also the Northeasterly line of Sublot No. 21 in J.B. Bruggeman's Subdivision of part of Original Ten Acre Lot No. 166, as shown by the recorded plat in Volume 5 of Maps, Page 44 of Cuyahoga County Records, to the most Northerly corner of said Sublot No. 21;

Thence South 58 deg. 03' 50" West along the Northwesterly line of said Sublot No. 21, 11 feet to a stone; Thence North 31 deg. 56' 10" West, 696.27 feet to a point in the Northwesterly line of Lake Front Road, so called, (120 feet wide), being also the Northwesterly line of the proposed 230 foot highway referred to in City of Cleveland Ordinance No. 85532, passed December 3, 1928;

Ordinance No. 1273-2019

Thence North 4 deg. 24' 20" West, forming an included angle of 60 deg. with said Northwesterly line of Lake Front Road, so called, and in the Northeasterly quadrant, 5.77 feet to the principal place of beginning, said point being also the Northwesterly corner of land registered in the name of the City of Cleveland by Certificate No. 86737;

Thence North 4 deg. 24' 20" West to Lake Erie;

Thence Easterly along Lake Erie about 282 feet to its intersection with a line drawn at right angles to the main breakwater of Cleveland Harbor through a point on the Westerly line of East 55th Street, (100 feet wide), which bears North 710 feet, measured along said Westerly line of East 55th Street, from its intersection with the Northeasterly prolongation of the Northwesterly line of Lake Court N.E., said point being the intersection of said Westerly line of East 55th Street, with the shore line of Lake Erie as it existed in 1925, and the course of which line is South 36 deg. 44' 40" East,

Thence South 36 deg. 44' 40" East along said line about 302.40 feet to the most Northerly corner of land registered in the name of City of Cleveland, as aforesaid;

Thence Southwesterly along the Northwesterly boundary line of land so registered in the name of the City of Cleveland the following courses and distances, South 36 deg. 35' 13" West, 165.80 feet, South 42 deg. 49' 24" West 153.81 feet, South 47 deg. 15' 02" West, 151.60 feet and South 54 deg. 04' 57" West, 113.69 feet to the principal place of beginning, be the same more or less.

The property address and tax parcel identification number listed herein are provided solely for informational purposes, without warranty as to accuracy or completeness.

Property Address: 0 North Marginal Road, Cleveland, OH 44114

Parcel No.: 105-01-001

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 properties and to employ and to cause Landmark at the Lake, 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 properties.

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.

Ordinance No. 1273-2019

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
10-14-19

FOR: Director Ebersole

Ord. No. 1273-2019

REPORT after second Reading

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READ FIRST TIME on OCTOBER 14, 2019

REPORTS

and referred to DIRECTORS of Economic Development, City Planning Commission, Finance and Law,
COMMITTEE on Development Planning and Sustainability, Finance

CITY CLERK

READ SECOND TIME

by the council _____

CITY CLERK

READ THIRD TIME

by the council _____

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ Page _____
Published in the City Record _____

PASSAGE RECOMMENDED BY
COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

