

Ordinance No.1539-2019

Council Member(s) McCormack, 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 Harbor Bay Real Estate Advisors, or its designee, located at the corner of West 25th Street and Lorain 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.

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, Harbor Bay Real Estate Advisors, 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:

Lot 1

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being part of original Brooklyn Township Lot Number 69, being part of a parcel conveyed to Ohio City Legacy LLC as recorded in AFN 201901150661 as shown on the Assembly Plat as recorded in Plat Volume 243, Page 85, also being part of a parcel of land as shown on the partial vacation of Gehring Ave. as recorded in Plat Volume _____, Page _____ being further bounded and described as follows:

Beginning at a drill hole set at the intersection of the south right of way line of Lorain Avenue (102 feet wide) and the east right of way line of West 25th Street (82.50 feet wide), said drill hole being the **POINT OF BEGINNING** of the parcel of land hereinafter described:

1. Thence on the south right of way line of said Lorain Avenue, N 58° 34' 57" E for a distance of 353.26 feet to a drill hole set on the west right of way line of Gehring Avenue (52 feet wide);
2. Thence on the west right of way line of said Gehring Avenue, S 31° 25' 03" E for a distance of 4.73 feet to a drill hole set;
3. Thence on the west right of way line of said Gehring Avenue, S 0° 37' 09" E for a distance of 449.70 feet to a rebar set;
4. Thence on a new division line, S 58° 16' 39" W for a distance of 120.92 feet to a rebar set on the east right of way line of said West 25th Street;

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5. Thence on the east right of way line of said West 25th Street, N 31° 43' 21" W for a distance of 391.67 feet to the Point of Beginning, containing 2.1417 acres (93,290 sq.ft.) of land, more or less, and subject to all easements, restrictions and covenants of record. The above description prepared by Steven L. Mullaney, P.S. 7900 of Glaus, Pyle, Schomer, Burns & DeHaven, Inc., dba GPD Group, and based on a field survey made in January of 2019.

All bearings referred to herein, are relative to grid north of the Ohio State Plane Coordinate System, North Zone, NAD83 (2011), as determined from GNSS measurements tied to the Ohio Department of Transportation's VRS system.

All rebar set are 5/8 inch diameter by 30 inch long rebar with cap marked "GPD"

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 Harbor Bay Real Estate Advisors, 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.

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
12-2-19
FOR: Director Ebersole

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READ FIRST TIME on December 2, 2019

and referred to DIRECTORS of Economic Development, Finance; Law; COMMITTEES on Development Planning and Sustainability, Finance

REPORTS

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 _____

REPORT after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

