

Ordinance No. 841-2025

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

FOR PASSAGE
July 9, 2025

AN EMERGENCY ORDINANCE

To remove certain parcels of property from the Shore-to-Core-to-Shore TIF District created by Ordinance No. 38-2024, passed March 25, 2024, as amended by Ordinance No. 746-2024, passed August 7, 2024; authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Twain SB III LLC, or designee, to assist with the financing of the Bell Project to be located at 45 East 9th Street, Cleveland, Ohio; to provide for payments to the Cleveland Metropolitan School District; and to declare certain improvements to real property to be a public purpose.

WHEREAS, under Section 5709.41 of the Revised Code, improvements to real property may be declared to be a public purpose where fee title to the real property was, at one time, held by the City of Cleveland and the real property is then leased or conveyed by the City; and

WHEREAS, the City has previously entered into the chain of title for the real property that is more particularly described in this ordinance (the “Subject Real Property”) while engaged in urban redevelopment as part of the City’s historic “Erievue Urban Renewal Project” in accordance with to the requirements of Section 5709.41 of the Revised Code prior to the passage of this ordinance; and

WHEREAS, the Subject Real Property is to be developed in accordance with the Cleveland 2020 Citywide Plan, a copy of which is placed in **File No. 841-2025-A**; and

WHEREAS, under Section 5709.41 of the Revised Code, the improvements declared to be a public purpose may be exempt from real property taxation; and

WHEREAS, under Section 5709.41 of the Revised Code, the owners of the improvements may be required to make annual service payments in lieu of taxes that would have been paid had the improvement not been exempt; and

WHEREAS, under Section 5709.41 of the Revised Code, the exemption may exceed seventy-five percent (75%) of the improvements for up to thirty (30) years when a portion of the service payments so collected are distributed to the Cleveland Metropolitan School District (“District”) in an amount equal to the amount the District would have received had the improvement not been exempt; and

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WHEREAS, the District has been notified of the intent to enter into a tax increment financing agreement authorized by this ordinance in compliance with Sections 5709.41(C)(4) and 5709.83 of the Revised Code; and

WHEREAS, pursuant to Revised Code Section 5709.40(B) and Section 757.70 of Am. Sub. H.B. No. 33 of the 135th General Assembly, the Cleveland City Council passed Ordinance No. 38-2024 on March 25, 2024 (the “Shore-to-Core-to-Shore TIF District Ordinance”) authorizing an exemption from taxation equal to one hundred percent (100%) of the Improvement (as defined by the Shore-to-Core-to-Shore TIF District Ordinance) to parcels of real property (identified by Exhibit A to the Shore-to-Core-to-Shore TIF District Ordinance) in the City for a period of thirty (30) years (the “Shore-to-Core-to-Shore TIF District Exemption”); and

WHEREAS, under the terms of the Shore-to-Core-to-Shore TIF District Ordinance and the Exhibit A attached thereto, the Cleveland City Council authorized the Shore-to-Core-to-Shore TIF District Exemption with respect to each of the parcels of real property that comprise the Shore-to-Core-to-Shore Real Property; and

WHEREAS, this Council desires to terminate the Shore-to-Core-to-Shore TIF District Exemption with respect to the Subject Real Property by amending the Shore-to-Core-to-Shore TIF District Ordinance; 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. The Shore-to-Core-to-Shore TIF District Ordinance is hereby amended as follows: Exhibit A to the Shore-to-Core-to-Shore TIF District Ordinance, as may be amended from time-to-time, is hereby further amended to terminate the Shore-to-Core-to-Shore TIF District Exemption solely with respect to the parcels of real property comprising the Subject Real Property.

It is the intention of this Council that notwithstanding anything to the contrary in this ordinance:

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(i) The Shore-to-Core-to-Shore TIF District Exemption authorized by the Shore-to-Core-to-Shore TIF District Ordinance shall not apply to the Subject Real Property a/k/a “Terminated Parcels” on and after the tax lien date of January 1, 2026 with respect to tax year 2026 real property taxes payable in calendar year 2027.

(ii) Except as expressly provided in this ordinance, this Council authorizes no other amendment to the Shore-to-Core-to-Shore TIF District ordinance or the Shore-to-Core-to-Shore TIF District Exemption. This ordinance shall not in any manner affect any of the parcels of real property subject to the Shore-to-Core-to-Shore TIF District Ordinance and the Shore-to-Core-to-Shore TIF District Exemption except for the Subject Real Property.

(iii) A substitute Exhibit A to the Shore-to-Core-to-Shore TIF District Ordinance, as amended, reflecting the termination of the Shore-to-Core-to-Shore TIF District Exemption with respect to the Subject Real Property is placed in the above referenced file.

Pursuant to Revised Code Section 5709.916(E), it is the intention of this Council that the termination and replacement of Shore-to-Core-to-Shore TIF District Exemption with respect to the Subject Real Property will be further implemented by the adoption of the new TIF exemption pursuant to this ordinance with respect to the Subject Real Property.

Section 2. Pursuant to and in accordance with Revised Code Section 5709.41, this Council hereby finds and determines that one hundred percent (100%) of the increase in assessed value of each parcel comprising the Subject Real Property (which increase in assessed value is also hereinafter referred to as the “Improvement”), subsequent to the acquisition of such parcel by the City, is hereby declared to be a public purpose. One hundred percent (100%) of the Improvement is declared exempt from real property taxation for a period of thirty (30) years, effective and commencing, on a parcel-by-parcel basis, the first year after the effective date of this ordinance the Improvement is reflected on the tax duplicate for such parcel ending on the earlier of (A) thirty (30) years after such exemption commenced or (B) the date on which the City

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can no longer require service payments in lieu of taxes, all in accordance with the requirements of the Revised Code; and that in no event shall the exemption period extend beyond 2057. The terms of the agreement, which shall not be materially changed without further legislative action by Council, will be as follows:

<u>Project Name:</u>	The Bell
<u>Recipient:</u>	Twain SB III, LLC
<u>Project Site:</u>	45 East 9th Street, Cleveland, OH 44114
<u>Project Manager:</u>	Bobby Bruno
<u>Ward/Councilperson:</u>	3 / McCormack
<u>City Assistance:</u>	30 year non-school TIF



Project Summary

The Bell will be a mixed-use development led by Twain SB III, LLC (“Developer” or “Development Company”), an entity formed out of Twain Financial Partners for the purpose of redeveloping and holding the former AT&T office building at 45 E. 9th Street (“Project Site”). Marc Hirshman serves as the President/Principal of the Development Company, based out of St. Louis, Missouri.

The Developer has begun the renovation of the 16-story, 534,016 sq. ft. building at the Project Site into 367 residential apartments with resident amenities and approximately 51,131 sq. ft. of renovated office and retail space on the lower levels. To date, the Developer has invested \$134,732,500 on the completed apartments and residential amenities being advertised for lease, while retail and office components have been constructed to “vanilla box” condition as it attracts commercial tenants (“Project”).

The renovation has wholly maintained the look of the building’s exterior architecture as standard cleaning and maintenance treatments have been the only work done to the building’s facade.

In order to assist with project financing, the Developer has requested the City impose a 5709.41, 30-Year, Non-School TIF on the remaining unfinished commercial improvements. The TIF will support debt service and assist with the development at 45 E. 9th Street, Cleveland, OH 44114. The TIF will be immediately effective on the commercial portion of the Project Site.

Proposed City Assistance

- 30 year non-school TIF

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Community Benefits

The project has been evaluated and scored favorably for elements that will have a positive impact on the surrounding Downtown Cleveland neighborhood. Based on the City’s community benefits scorecard, the project scored 44 points. Community Benefits scorecard attached.

Project elements that will favorably impact the community include: its reuse of an existing building that can go into productive use in a post-COVID world, transit access, large scale capital investment, and alignment with the Citywide plan. The project will be subject to a Community Benefits Agreement (CBA). Typical community benefits include Minority- and Woman-Business Enterprise participation goal setting, Cleveland Small Business participation, mentor-protégé workforce development programming, and a commitment to gain community input on the project. The developer is actively coordinating with the City’s Office of Equal Opportunity and has finalized a CBA as part of this project. Paying into a community benefit equity fund, use of Cleveland Public Power, and providing meeting space for non-profits are some of the components of the CBA.

Economic Impact

- Creation of approximately 15 W-2 jobs with an approximate payroll of \$750,000 and approximately \$18,750 in new annual City tax revenue.

Section 3. That, under Section 5709.41 of the Revised Code and subject to Section 2 of this ordinance, Redeveloper, as owner of the Subject Real Property, and all subsequent owners of the Subject Real Property, shall make service payments for a period of thirty (30) years in lieu of the exempt real property taxes to the Cuyahoga County Fiscal Officer or Treasurer, or designee; the payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid had the Improvements not been exempt from taxation.

Section 4. That a portion of the Service Payments (as defined in Section 6 below) collected under this ordinance shall be distributed by the Cuyahoga County Fiscal Officer or Treasurer, or designee, to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvement not been exempt from taxation. In addition, the cooperative agreement referred to in Section 5 hereof shall provide that all Service Payments collected under this ordinance attributable to portion of the Improvement equal to the Improvement as of tax year 2024 shall be distributed to all other affected taxing districts, other than the District, in amounts equal to the amount of taxes that would have been payable to such taxing

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districts had the portion of the Improvement equal to the Improvement as of tax year 2024 not been exempt from taxation.

Section 5. That the Director of Economic Development is authorized to enter into an agreement or agreements with Redeveloper, or its designee, to provide for the exemption and service payments described in this ordinance, including a community benefits agreement (“CBA”), a cooperative agreement with the Cleveland-Cuyahoga County Port Authority and agreement(s) securing the payments described in this ordinance, which agreement or agreements shall contain those terms contained in this ordinance.

Section 6. That when applicable under Section 5709.43 of the Revised Code, there is established an Urban Redevelopment Tax Increment Equivalent Fund into which shall be deposited Service Payments in Lieu of Taxes (“Service Payments”) that shall be used for financing the public purpose Improvements including project debt service, debt reserve, bond payments, and reimbursement of project construction costs, or for other economic development purposes as determined by the Director of Economic Development.

Section 7. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and any of its committees that resulted in formal action were in meetings open to the public in compliance with the law.

Section 8. That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law.

Section 9. 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
7-9-2025
FOR: Director McNair

EXHIBIT A
REAL PROPERTY

Tract I:

Parcel I (Fee):

Situated in the City of Cleveland, County, of Cuyahoga and State of Ohio, and known as being all of Sublot Numbers 6 to 11, both inclusive, 32 to 34, both inclusive, and part of Sublot Number 35 in Levi Johnson's Subdivision of Original Two Acre Lots Numbers 178, 179, 180 end 181 and part of Original Two Acre Lots Numbers 182, 187, 188, 189 and 190 and part of East 10th Street (now vacated) as shown by the recorded plat in Volume 1 of Maps, Page 29; also being all of those lands conveyed to The Ohio Bell Telephone Company as recorded in Deed Book 84-6097 Page 39 and more particularly described as follows:

Beginning at a nail set at the intersection of the northeasterly right-of-way line of East 9th St. (99' wide right-of-way) and the southeasterly right-of-way line of Lakeside Avenue N.E. (99' wide right-of-way), said point being the TRUE POINT OF BEGINNING and from said beginning point running;

Thence along the southeasterly right-of-way line of Lakeside Avenue N.E., North 55° 50' 19" East, for distance of one hundred fifteen and fifty one-hundredths feet (115.50') to a nail set, said point being at the intersection of the Southeasterly right-of-way line of Lakeside Avenue N.E. and the northwesterly terminus of the southwesterly right-of-way line of East 10th Street (30' wide right-of-way);

Thence along the southwesterly right-of-way line of East 10th Street, South 33° 59' 47" East, for a distance of one hundred eighty- six and sixty-Wo one-hundredths feet (186.62') to a nail set, said point being the intersection of the southeasterly terminus of the southwesterly right-of-way line of East 10th Street and the southwesterly terminus of the southeasterly right-of-way line of Bethel Court (25' wide right-of-way);

Thence along the southeasterly right-of-way line of Bethel Court, North 55° 39' 48" East, for a distance of one hundred thirty-eight and forty-one one-hundredths feet (138.41') to a nail set, said point being along the southeasterly right-of-way of Bethel Court, said point also being the southwesterly corner of lands as conveyed to 55 Erieview Building, LLC as described in Instrument Number 200302250475:

Thence along the southwesterly line of said lands of 55 Erieview Building, LLC, South 34° 17' 47" East for a distance of ninety-nine and eighty-one one-hundredths feet (99.81') to a nail set, , said point being along the northwesterly line of Hamilton Avenue N.E. as vacated per Ordinance Number 2181-62;

Thence along the northwesterly of said vacated Hamilton N.E., South 55° 42' 13" West, for a distance of two hundred fifty-four and forty one-hundredths feet (254.40') to a nail set, said point being the intersection of the northwesterly line of said vacated Hamilton Avenue N.E., and the northeasterly right-of-way line of East 9th Street;

Thence along the northeasterly right-of-way line of East 9th Street, North 34° 00' 00" West for a distance of two hundred eighty-six and sixty-one one-hundredths feet (286.61') to the point of beginning containing 1.077 acres of land, more or less, as determined by Michael L. Keller Professional Surveyor, Ohio License No. 7974 based on an actual survey performed by Kleingers, & Associates Inc., in June 2006.

Basis of bearings for the herein - described courses is the northeasterly right-of-way line of East 9th Street being North 34° 00' 00" West as shown on "Dedication Map of Bethel Court N.E. Widening" as recorded in Deed Book 190 Page 60.

Parcel Numbers: 101-34-001, 101-34-002, 101-34-003, 101-34-004, 101-34-005, 101-34-052, 101-34-053, 101-34-054, 101-34-055.

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Parcel II (Easement):

Easement of Air Rights and Franchise from the City of Cleveland to Erieview Third Corporation filed for record August 21, 1967 and recorded in Volume 12148 Page 313 of the Cuyahoga County Records over the following described premises:

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

And being all of the air rights situated over and above e portion of the right-of-way of East 10th Street in the CW of Cleveland, Ohio, adjacent to property of the Grantee acquired by deed dated March 21, 1967, of record in Volume 12102 Page 983, Recorder’s Office, Cuyahoga County, Ohio, as such 15 foot portion is hereinafter specifically described, provided, however, that all of each air rights herein granted shall exclude the space below, and such air rights shall commence at and extend an infinite distance upwards from, a horizontal plane situated at an elevation Fifteen (15) feet above the existing street elevation of East 10th Street; said Fifteen (15) foot portion of said street right-of-way being described as follows:

Beginning at the Southwesterly line of East 10th Street et its intersection with the Southeasterly line of Lakeside Avenue N.E.;

Thence North 55° 50' 19¹ East along the Southeasterly line of Lakeside Avenue N.E., 15.0 feet;

Thence South 33° 59^t 47' East a distance of 186.63 feet to the Southeasterly line of Bethel Court; Thence South 55° 39' 48" West 15.0 feet to Southwesterly line of East 10th Street;

Thence North 33° 59' 47" West along Southwesterly line of East 10th Street 186.63 feet to point of beginning.

Parcel III (Easement):

Easement from Erieview Corporation to Erieview Third Corporation, filed for record July 10. 1969 and recorded in Volume 12535 Page 809 of Cuyahoga County Records, being a non-exclusive easement for the benefit of Grantee, Grantor and their respective successors and assigns, their agents, servants, tenants, visitors, licensees and all other persons et all times to freely pass and repass, on foot over said premises as the same presently exist or as said premises may later be modified; for the free and unrestricted right of Ingress and egress between East Twelfth Street end East Ninth Street in the City of Cleveland, Ohio and the properties of Grantee and Grantee's successors and assigns, lying immediately north of and adjacent to the easement premises said easement premises being described as follows:

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

And being a pan of Parcel 1 conveyed to Erieview Corporation by Deed dated February 7, 1963, and recorded in Volume 10671 Page 577, of the Cuyahoga County, Ohio Deed Records, and bounded and described as follows:

Commencing at the point of intersection of the Northwesternly line of said Parcel 1 and the Southwesterly line of East Twelfth Street;

Thence Westerly along the Northwesternly tine of said Parcel 1 to a point which is in the intersection of said Northwesternly line of Parcel 1 and the Northeasterly line of East Ninth Street;

Thence Southeasterly with the Northeasterly line of East Nine Street, a distance of 20 feet to a point;

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Thence Northeasterly along a line parallel to the Northwesternly line of said Parcel 1 to a point in the Southwesterly line of East Twelfth Street;

Thence Northwesternly along the Southwesterly line of East 12th Street, a distance of 20 feet, to the place of beginning.

Parcel IV (Easement):

Easement for Air Rights from the City of Cleveland to Erieview Third Corporation filed for record November 17, 1981 and recorded in Volume 15499 Page 669 of Cuyahoga County Records over the following described premises:

A concave Building Projection into the right-of-way of East Tenth Street and Bethel Court, at a height not more than sixteen (16) feet above the existing established grade. The area of encroachment is more particularly described as follows:

Beginning at a point which is the intersection of the Westerly right-of-way line of East Tenth Street and the Southerly right- of-way line of Bethel Court;

Thence North $33^{\circ} 59' 47''$ West along said Westerly right-of-way line 7.22 feet to a point;

Thence with a curve to the left having a radius of 12 feet, a central angle of $44^{\circ} 07' 56.5''$, and a chord which bears South $71^{\circ} 10' 29.3''$ East a distance of 9.02 feet, an arc length of 9.24 feet to a point on said Southerly right-of-way line;

Thence South $55^{\circ} 39' 45''$ West a distance of 5.45 feet more or less to the point of beginning. The projection will extend from a point approximately 16 feet above grade to a point approximately 203 feet above grade.

TRACT II (Fee):

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublots Numbers 21 to 23, all inclusive, and part of Sublot No. 20 in the Levi Johnson Subdivision of part of Original Two Acre Lots Numbers 178, 179, 180, 181 and part of Original Two Acre Lots Numbers 182, 187, 188, 189 and 190 as shown by the recorded Plat in Volume 1 of Maps Page 29 and consolidated by the recorded Plat in Volume 255 of Maps Page 46, also being ail of lends conveyed to The Ohio Bell Telephone Company as recorded in Deed Book 88-5412 Page 8; Deed Book 91-1972 Page 42 and more particularly described as follows:

Beginning at a nail set at the intersection of the Southwesterly right-of-way line of East 12th Street (66' wide right-of-way), and the southeasterly right-of-way line of Lakeside Avenue N.E. (99' wide right-of-way), said point being the TRUE POINT OF BEGINNING and from said beginning point running;

Thence along the Southwesterly right-of-way line of East 12th Street, South $33^{\circ} 59' 17''$ East, for a distance of One Hundred Fifty-nine and Ninety-five One-hundredths feet (159.95') to a nail set, said point being at the intersection of the Southwesterly right-of-way line of East 12th Street and the Northeasterly terminus of the Northwesternly right-of-way line of Bethel Court (25' wide right-of-way);

Thence along the Northwesternly right-of-way of Bethel Court South $55^{\circ} 39' 39''$ West, for a distance of One Hundred Thirty-five and Seventy-seven One-hundredths feet (135.77') to a nail set; said point being along the Northwesternly right- of-way line of Bethel Court

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said point being the Southeasterly corner of a tract of land as conveyed to Erieview Second Corporation, as described in Deed Book 11341 Page 493 "Ramp Parcel";

Thence along the Northeasterly line of said lands of Erieview Second Corporation, North 33° 56' 35" West for a distance of One Hundred Sixty and Thirty-seven One-hundredths feet (160.37') to a nail set, said point being the Northwesterly corner of said lands of Erieview Second Corporation, said point also being along the Southeasterly right-of-way line of Lakeside Avenue N.E.;

Thence along the Southeasterly right-of-way line of Lakeside Avenue N.E., North 55° 50' 19" East, for a distance of One Hundred Thirty-Five and Seventy-Four One-Hundredths feet (135.74'), to the point of beginning containing 0.499 acres of land, more or less as determined by Michael L, Keller Professional Surveyor, Ohio License No. 7974 based on an actual survey performed by Kleingers, & Associates Inc., in June 2006.

Basis of bearings for the herein - described courses is the Northeasterly right-of-way line of East 9th Street being North 34° 00' 00" West as shown on "Dedication Map of Bethel Court N.E. Widening" as recorded in Deed Book 190 Page 60.

Parcel Numbers: 101-34-061 and 101-34-062.

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

AN EMERGENCY ORDINANCE

To remove certain parcels of property from the Shore-to-Core-to-Shore TIF District created by Ordinance No. 38-2024, passed March 25, 2024, as amended by Ordinance No. 746-2024, passed August 7, 2024; authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Twain SB III, LLC, or designee, to assist with the financing of the Bell Project to be located at 45 East 9th Street, Cleveland, Ohio; to provide for payments to the Cleveland Metropolitan School District; and to declare certain improvements to real property to be a public purpose.

READ FIRST, SECOND AND THIRD TIME

READ FIRST TIME

REPORTS

and referred to

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME on JULY 9, 2025

PRESIDENT

CITY CLERK

APPROVED

MAYOR