

Ordinance No. 819-2020

By Council Members Griffin, Brancatelli and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Economic Development to apply for and accept an Empowerment Zone and/or non-Empowerment Zone HUD 108 loan or loans from the United States Department of Housing and Urban Development to partially finance the construction of the mixed-use grocery store project located at East 105th Street and Cedar Avenue; and authorizing the Director to enter into one or more contracts with Fairmount Properties, LLC, or its designee, to implement the 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 the Director of Economic Development is authorized to apply for and accept an Empowerment Zone and/or non-Empowerment Zone HUD 108 loan funding in an amount up to \$9,000,000 to partially finance the construction of the mixed-use grocery store project located at East 105th Street and Cedar Avenue (the “Project”).

Section 2. That the Director of Economic Development is authorized to enter into one or more loan agreements with the United States Department of Housing and Urban Development to receive an Empowerment Zone and/or non-Empowerment Zone HUD 108 loan funds. The Director is authorized to file all papers and execute all documents necessary to receive the funds under the loan agreements; and the loan funds are appropriated for the purposes set forth in this ordinance.

Section 3. That upon execution of the loan agreements the Director of Economic Development is authorized to repay the loan funds under the terms and conditions of the loan agreements, from the fund or funds to be determined by the Director of Finance and from Fund No. 18 SF 002.

Section 4. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 5. That the Director of Economic Development is authorized to enter into a loan agreement in the amount of \$9,000,000 with Fairmount Properties, LLC, or its designee, and any other agreements necessary to implement this ordinance.

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Section 6. That the Director of Economic Development is authorized to accept such collateral as the director determines is sufficient in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 7. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund Nos. 17 SF 305 and 18 SF 002, Loan Fees Funds.

Section 8. That the Director of Economic Development is authorized to enter into one or more contracts or memoranda of understanding with various agencies, entities, or individuals to implement the Project as described in the above described file.

Section 9. That the cost of the contract or contracts authorized will be paid from the fund or subfunds that are credited the loan funds authorized under this ordinance and Fund No. 18 SF 001. (RQS 9501, RLA 2020-64)

Section 10. 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
10-21-2020
FOR: Director Ebersole

