

Ordinance No. 1059-2021

By Council Members B. Jones, Hairston, Santana, Spencer, Bishop, Brancatelli and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Directors of Public Works and Community Development to enter into a property exchange agreement with the Board of Education of the Cleveland Metropolitan School District for the transfer of various properties between the parties to facilitate the efficient use of real estate for public purposes, including constructing new parks, assembling land, improving existing school campuses, and disposing of underutilized or unneeded real estate; authorizing the Mayor and the Commissioner of Purchases and Supplies to acquire and convey the properties; and authorizing the conveyance of one of the properties received from the School District to Kenmore Commons Limited Partnership, or its designee, for future development.

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 Public Works and Community Development are authorized to enter into a property exchange agreement (“Agreement”) with the Board of Education of the Cleveland Metropolitan 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 constructing improvements at Forest Hills Park, assembling land for new housing, constructing new school campuses at Clark Elementary School and Lincoln-West High School, and disposing of underutilized or unneeded real estate, which Agreement shall include provisions necessary to implement this ordinance, including reversionary rights as agreed upon by the parties.

Section 2. That this Council finds that the transactions contemplated in this ordinance are mutually beneficial to the City and the CMSD.

Section 3. 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

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the Commissioner of Purchases and Supplies are authorized to accept from CMSD title to the properties which are more fully described as follows:

Transferring to the Department of Community Development
8817 Wade Park Avenue
Portion of Permanent Parcel No. 107-15-008
0.0790 Acres

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original 100 Acre Lot No. 324 and is further bounded and described as follows:

Beginning at the intersection of the centerline of Wade Park Avenue N.E. (70 Feet Wide) and the centerline of East 92nd Street (48 Feet Wide and witnessed by a stone monument with a drill hole found on the centerline of said East 92nd Street, North 34.07 feet;

Thence South 89°08'09" West, along the centerline of said Wade Park Avenue N.E., a distance of 654.45 feet to the intersection with the centerline of East 89th Street (40 Feet Wide);

Thence North 00°55'56" West, along the centerline of said East 89th Street, a distance of 179.84 feet to that portion of East 89th Street that was Vacated by Ordinance No. 1384-67 and passed June 26, 1967 and the principal place of beginning;

- Course 1 Thence South 89°08'15" West, along the Northerly line of said East 89th Street and that portion of East 89th Street that was Vacated by Ordinance No. 1384-67 and passed June 26, 1967, a distance of 20.00 feet to capped iron pin "#7104" found at the Northwesterly corner of said East 89th Street;
- Course 2 Thence South 00°55'56" East, along the Westerly line of said East 89th Street, a distance of 11.92 feet to a capped iron pin "#7104" found at the Northeasterly corner of a parcel of land conveyed to City of Cleveland by deed recorded in Volume 90-3561, Page 38 of Cuyahoga County Deed Records;
- Course 3 Thence South 89°06'07" West, along the Northerly line of said City of Cleveland parcel, a distance of 84.78 feet to the Northwesterly corner of said City of Cleveland parcel and a point on the Easterly line of a parcel of land conveyed to Kenmore Gardens Ltd. Partnership by deed recorded in Volume 94-11213, page 39 of Cuyahoga County Deed Records and witnessed by a 1/2" iron pin found West of line 0.15 feet;
- Course 4 Thence North 00°51'58" West, along the Westerly line of said Kenmore Gardens Ltd. Partnership parcel and continuing along the Westerly line of a parcel of land conveyed to Charles Bush by deed recorded in A.F.N. 201002170060, a distance of 35.15 feet to a point and witnessed by a 1" iron pipe found South 79°18'40" East, a distance of 2.96 feet;
- Course 5 Thence North 89°08'23" East, a distance of 104.74 feet to a point on the extension of the centerline of said East 89th Street and witnessed by a capped iron pin found North of line 0.11 feet;
- Course 6 Thence South 00°55'56" East, along the extension of the centerline of said East 89th Street, a distance of 23.17 feet to the principal place of beginning and containing 0.0790 Acre (3440 Square Feet) of land.

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Be the same more or less, but subject to all legal highways and easements of record.

Transferring to the Department of Public Works
450 East 112th Street
Permanent Parcel No. 111-02-112
3.35 Acres

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

And known as being part of Original One Hundred Acre Lots Nos. 356 and 363 and bounded and described as follows:

Beginning in the Westerly line of East 112th Street (40 feet wide) at its intersection with the Northerly line of Block "A" in the Macoban Realty Company Subdivision, as recorded in Volume 94, Page 2 of Cuyahoga County Records:

Thence North 89 deg. 57' 30" West, along said Northerly line of Block "A" and the extension thereof, 190.00 feet;

Thence South 45 deg. 02' 30" West, 70.70 feet;

Thence North 89 deg. 57' 30" West, 160.00 feet;

Thence North 00 deg. 02' 30" East, 470.00 feet;

Thence South 89 deg. 57' 30" East, 170.00 feet;

Thence South 34 deg. 20' 19" East, 230.22 feet;

Thence South 89 deg. 57' 30" East, 100.00 feet to the aforesaid Westerly Line of East 112th Street;

Thence South 00 deg. 02' 30" West, along said Westerly line of East 112th Street, 230.00 feet to the place of beginning and containing 3.35 acres of land.

Permanent Parcel Number: 111-02-112
a/k/a 450 East 112th Street Cleveland, Ohio 44108

Section 4. 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 which are more fully described as follows:

Transferring from the Department of Community Development Land Bank
3164 West 30th Street
Permanent Parcel No. 007-33-090
0.226 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 14 in Diodate Clark's Subdivision of part of Original Brooklyn Township Lot No. 67, as shown by the recorded plat in Volume 3 of Maps, Page 13 of Cuyahoga County Records, and being 53.5 feet front on the Westerly side of West 30th Street, and extending back 188 feet on the Southerly line 185.10 1/4 feet on the Northerly line, and has a rear line of 52.5 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Address: Vacant Lot, West 30th Street, Cleveland, Ohio 44109 AFN 201205100480

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Transferring from the Department of Community Development Land Bank
2228 West 53rd Street
Permanent Parcel No. 006-16-025
0.03 Acres

Situated in the City of Cleveland, County of Ohio and State of Ohio; and described as follows:

And known as being part of Sublot No. 37 in J.M. Hoyt's Subdivision of a part of Original Brooklyn Township Lot No. 48 as recorded in Volume 3 of Page 15 of Cuyahoga County Map Records and bounded and described as follows, beginning in the Westerly line of West 53rd Street 60 feet wide at the Southeasterly corner of said Sublot No. 37; thence Westerly 84.00 feet along the Southerly line of said Sublot No. 37 to the principal place of beginning; Thence Northerly 32.00 feet parallel with said Westerly line of West 53rd Street to a point; Thence Westerly 41.08 feet parallel with the Northerly line of said Sublot No. 37 to a point in the Easterly line of a 12 foot alley; Thence Southerly 32.00 feet along said Easterly line of a 12 foot alley to the Southwesterly corner of said Sublot no. 37; thence Easterly 41.08 feet along said Southerly line of Sublot No. 37 to the place of beginning according to Survey by Thomas and Krause, Surveyors, June 28, 1948, be the same more or less, but subject to all legal highways.

Property Address: Vacant Land — 2228 West 53rd Street, Cleveland, Ohio 44102 AFN 201811150118

Transferring from the Department of Community Development Land Bank
5407 Train Avenue
Permanent Parcel No. 006-16-063
0.11 Acres

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

And known as being all of Sublot No. 45 and part of Sublot No. 46 in J.M. Hoyt's Subdivision of part of Original Brooklyn Township, Lot No. 48, as shown by the recorded plat in Volume 3 of Maps, Page 15 of Cuyahoga County Records, bounded and described as follows:

Beginning at a point in the Southeasterly line of Train Avenue, S.W. distant North 61 degrees 37 minutes 00 seconds East, 37.00 feet from the most Westerly corner of said Sublot No. 46;

Thence North 61 degrees 37 minutes 00 seconds East along the Southeasterly line of Train Avenue, S.W., 43.00 feet to the most Northerly corner of said Sublot No. 45;

Thence South 28 degrees 24 minutes 00 seconds East along the Northeasterly line of said Sublot No. 45 which is also the Southwesterly line of Cantor Avenue, S.W., 62.67 feet to an angle;

Thence South 00 degrees 50 minutes 00 seconds East along the Westerly line of a 12 foot alley, 93.66 feet to the Northwesterly line of a 14 foot alley and the Southeasterly corner of said Sublot No. 46;

Thence South 75 degrees 01 minutes 20 seconds West along the Southeasterly line of said Sublot No. 46 which is also the Northwesterly line of said 14 foot alley, 15.04 feet to a point distant North 75 degrees 01 minutes 20 seconds East, 23.00 feet from the most Southerly corner of said Sublot No. 46;

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Thence North 17 degrees 54 minutes 00 seconds West 81.29 feet;

Thence North 28 degrees 24 minutes 00 seconds West, 62.75 feet to the place of beginning, according to a survey of Charles W. Root, Registered Engineer and Surveyor, dated April 1948.

Property Address: 5407 Train Avenue, Cleveland, Ohio 44102 AFN 201602230047

Transferring from the Department of Community Development Land Bank
2226 West 53rd Street
Permanent Parcel No. 006-16-106
0.08 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:
And known as being part of Sublot No. 37 in J.M. Hoyt's Subdivision of a part of Original Brooklyn Township Lot No. 48, as shown by the recorded plat in Volume 3 of Maps, Page 15 of Cuyahoga County Records, and bounded and described as follows: Beginning in the Westerly line of West 53rd Street, 60 feet wide, at the Southeasterly corner of said Sublot Lot No. 37; Thence Westerly 84 feet along the Southerly line of Sublot No. 37 to a point; Thence Northerly 32 feet parallel with said Westerly line of West 53rd Street to a point; Thence Westerly 41.08 feet parallel with the Northerly line of said Sublot No. 37 to a point in the Easterly line of a 12 foot alley; Thence Northerly 8 feet along the Easterly line of said alley to the Northwesterly corner of said Sublot No. 37; Thence Easterly 125.08 feet along said Northerly line of Sublot No. 37 feet to the Northeasterly corner thereof in said Westerly line of West 53rd Street; Thence Southerly 40 feet along said Westerly line of West 53rd Street to the place of beginning, according to a survey by Thomas and Krause, Surveyors, June 28, 1948, be the same more or less, but subject to all legal highways. Also subject to zoning ordinances if any.

Property Address: V/L 2226 West 53rd Street, Cleveland, Ohio 44102 AFN 202107080545

Section 5. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 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 transactions together acknowledged and determined to be a fair market value transaction.

Section 6. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the property located at 8817 Wade Park Avenue to be accepted by the City from CMSD will not be needed for the City's public use.

Section 7. That by and at the direction of the Board of Control, the Mayor and the Commissioner of Purchases and Supplies are authorized to sell the property located

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at 8817 Wade Park Avenue to Kenmore Commons Limited Partnership, or its designee, for purposes of future redevelopment, at a price not less than \$200.00, and other valuable consideration, which is determined to be fair market value.

Section 8. That the Directors of Public Works and Community Development, as appropriate, are authorized to execute on behalf of the City of Cleveland all necessary documents to acquire, accept, record, and convey the properties.

Section 9. That the conveyances 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. 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 10. That the Director of Community Development, Public Works, Law, and other appropriate City officials 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 11. 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.

GEP:nl
11-22-2021
FOR: Director Cox and Interim Director Wackers

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By Council Members B. Jones, Hairston, Santana, Spencer, Bishop, Brancatelli and Kelley (by departmental request)

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READ FIRST TIME on NOVEMBER 22, 2021

REPORTS

and referred to DIRECTORS of Public Works, Community Development, City Planning Commission, Finance, Law; COMMITTEES on Municipal Services and Properties, Development Planning and Sustainability, Finance

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ Page _____

Published in the City Record _____

REPORT after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

