

# Ordinance No. 1052-2021

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

## AN EMERGENCY ORDINANCE

Authorizing the Mayor and the Commissioner of Purchases and Supplies to accept transfer of property from the Ohio Department of Transportation which is part of the limited access right-of-way adjacent to Interstate 90 at West 14<sup>th</sup> Street near Fairfield Avenue; authorizing the Mayor and the Commissioner of Purchases and Supplies to sell the ODOT property and other City-owned property to 2260 West 14<sup>th</sup> Street, LLC, or its designee, which are not needed for the City's public use, for Phase II of the Tremont Oaks apartment project; and to remit payment to ODOT.

WHEREAS, the Ohio Department of Transportation owns certain property which is part of the limited access right-of-way adjacent to Interstate 90 at West 14<sup>th</sup> Street near Fairfield Avenue; and

WHEREAS, the City of Cleveland owns Permanent Parcel No. 004-10-010; and

WHEREAS, 2260 West 14<sup>th</sup>, LLC, or its designee ("Redeveloper"), desires both properties for the purpose of constructing Phase II of the Tremont Oaks apartment project; 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 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 accept transfer of the following real estate from the Ohio Department of Transportation ("ODOT") for purposes of future redevelopment (the "ODOT Property"):

**LEGAL DESCRIPTION  
OF  
PORTION OF LIMITED ACCESS RIGHT OF WAY  
WEST 14<sup>th</sup> STREET  
CITY OF CLEVELAND, OHIO**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 33, 35, and 37 in the John G. Jennings University Heights Subdivision of part of the Original Brooklyn Township Lot No. 87, as shown by the plat recorded in Volume 1, Page 15 of Cuyahoga County Map Records, also known as being part of the Interstate 90 limited access right of way as shown on the Centerline Plat recorded in Volume 371, Page 14 of Cuyahoga County Map Records and further bounded and described as follows:

Beginning at a 1" iron pin found in the monument box at an angle point in the centerline of Fairfield Avenue S.W. (formerly Fairfield Street)(66 feet wide) at the intersection of said centerline and the westerly line of John G. Jennings University Heights Subdivision as shown by the plat recorded in Volume 1, Page 15 of Cuyahoga County Map Records;

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Thence South 00°36'59" East, 33.00 feet to the southerly right of way of Fairfield Avenue S.W.,

Thence North 89°23'01" East along said southerly right of way of Fairfield Avenue S.W., 229.50 feet to the westerly right of way of West 14<sup>th</sup> Street (formerly Jennings Avenue)(100 feet wide);

Thence South 00°37'02" East along westerly right of way West 14<sup>th</sup> Street, 91.40 feet to a point and being the **Principal Place of Beginning** of the premises herein described;

Thence South 00°37'02" East continuing along said westerly right of way West 14<sup>th</sup> Street, 141.60 feet to the northeasterly corner of land conveyed to the City of Cleveland Highway, also being a northeasterly limited access right of way of Interstate 90 (Interbelt Highway)(Width Varies);

Thence South 89°23'01" West along the northerly line of land so conveyed to City of Cleveland Highway and said limited access right of way, 49.84 feet to a point;

Thence North 18°46'21" East, 150.11 feet to the westerly right of way of West 14<sup>th</sup> Street and the **Principal Place of Beginning** and containing 0.0810 acres (3,528 square feet) of land, as surveyed and described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in July 2021, subject to all legal highways, restrictions, reservations and easements of record.

**Basis of Bearing:**

The centerline of West 14<sup>th</sup> Street as South 00°37'02" East is an assumed bearing and is used to indicate angles only.

Section 2. 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 described in Section 1 above will no longer be needed for the City's public use and that the following described property having Permanent Parcel No. 004-10-030 (the "City-owned Property") is no longer needed for the City's public use:

Legal Description for PPN 004-10-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: and known as being the easterly part of the southerly 31.00 feet of Sublot No. 37 and the easterly part of the northerly 7.00 feet of Sublot No. 39 in the John G. Jennings's University Heights Subdivision of part of Original Brooklyn Township Lots Nos. 71 and 87 as shown by the recorded plat in Volume 1 of Maps, Page 15 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows: Beginning in the westerly line of West 14<sup>th</sup> Street at its intersection with the northeasterly corner of land conveyed to Martha Walker Kennedy and Richard Winston Walker by Certificate of Transfer of Real Estate dated September 26, 1963 and recorded in Volume 10959 of Deeds, Page 159 of Cuyahoga County Records; thence westerly along the northerly line of land so conveyed to Martha Walker Kennedy and Richard Winston Walker, as aforesaid, being also the southerly limited access line of Interstate Route 90, about 50.00 feet to its intersection with the southeasterly limited access line of Interstate Route 90; thence southwesterly in a direct line along said southeasterly limited access line of Interstate Route 90 to its intersection with the southerly line of land so conveyed to Martha Walker Kennedy and Richard Winston Walker, as aforesaid; thence easterly along the southerly line of land so conveyed to Martha Walker Kennedy and Richard Winston Walker, as aforesaid, about 63.40 feet to a point in the westerly line of West 14<sup>th</sup> Street; thence northerly along said westerly line of West 14<sup>th</sup> Street 38.00 feet to the

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place of beginning and containing within said boundaries 2,158 square feet of land, be the same more or less but subject to all legal highways.

Section 3. 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 ODOT Property to the Redeveloper at the appraised value of \$17,650, which is determined to be fair market value; and to sell the City-owned Property to the Redeveloper at a price not less than the appraised value of \$40,000, which is determined to be fair market value.

Section 4. That the conveyance shall be made by official deeds prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed 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 5. That this Council finds that the conveyances to the Redeveloper constitutes a public use of the property for the purposes of redevelopment.

Section 6. That the Director of Capital Projects is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire, accept, record, and convey the ODOT Property and City-Owned Property.

Section 7. That upon receipt of the funds and transfer of the ODOT Property to the Redeveloper, the City shall remit the amount received from Redeveloper for the ODOT Property and remit the payment to ODOT.

Section 8. 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.

SM:nl  
11-22-2021  
FOR: Interim Director Spronz

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READ FIRST TIME on NOVEMBER 22, 2021

and referred to DIRECTORS of Capital Projects,  
City Planning Commission, Finance, Law;  
COMMITTEES on Municipal Services and Properties,  
Development Planning and Sustainability, Finance

REPORTS

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CITY CLERK

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READ SECOND TIME

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READ THIRD TIME

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PRESIDENT

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CITY CLERK

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APPROVED

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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

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

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**FINANCE**

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