

Ordinance No. 326-2022

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to lease certain property located under Arch Number 3 of the Superior Viaduct to Apartment 92, The Apollo, LLC for the purpose of creating a curated greenspace amenity for the use of residents of its apartment complex, for a term of five years with one five-year option to renew, exercisable by the Director of Capital Projects.

WHEREAS, the City of Cleveland owns certain property located under Arch Number 3 of the Superior Viaduct which is not needed for the City’s public use; and

WHEREAS, Apartment 92, The Apollo, LLC has proposed to lease the property from the City for the purpose of creating a curated greenspace amenity for the use of residents of its apartment complex which is currently being developed at 1250 Riverbed Street; 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 Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Capital Projects is authorized to lease to Apartment 92, The Apollo, LLC (“Lessee”), certain property located under Arch Number 3 of the Superior Viaduct, which is not needed for the City’s public use more fully described as follows:

Legal Description – Superior Viaduct Arch Number 3

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Numbers 377 and 388 through 392, both inclusive, and a part of Original Brooklyn Township Lot Number 70, as shown by the recorded plat as shown by the recorded plat in the Buffalo Company’s Allotment of a part of Original Brooklyn Township Lot Numbers 51 and 70 in Volume 3 of Maps, Page 51 of Cuyahoga County Records; said Arch Number 3 extends from the Westerly line of Sycamore Street (66.00 feet wide), approximately 122.50 feet westerly and being 80.00 feet in width and containing 9,800 square feet of land; 2,572 square feet of the above parcel is within Pier Number 10 and the Easterly one-half of Pier Number 11.

Section 2. That the term of the lease authorized by this ordinance shall not exceed five years with one five-year option to renew, exercisable by the Director of Capital Projects.

Ordinance No. 326-2022

Section 3. That the property authorized by this ordinance shall be leased at the appraised value of \$2,400 annually, which is determined to be fair market value, exclusive of utilities.

Section 4. That the lease may authorize the Lessee to make improvements to, and maintain, the leased premises at its cost subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be prepared by the Director of Law.

Section 6. That the Director of Capital Projects, the Director of 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 effect the lease authorized by this ordinance.

Section 7. 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
4-4-2022
FOR: Interim Director DeRosa

