

LEGISLATIVE SUMMARY  
Mayor's Office of Capital Projects  
Division of Real Estate

**DETERMINATION PURSUANT TO CPP TRUST INDENTURE AND SALE  
OF LAND TO MICELI-LOGRASSO DEVELOPMENT COMPANY, LLC**

Ordinance No:	502-2022
Legislative Purpose:	Determining a finding pursuant to Section 5.03(b)(i) of the Amended and Restated Trust Indenture (Sixth Supplemental Indenture), dated as of August 17, 2006, ("Trust Indenture"), that PPNs 126-14-033 and 126-14-104 ("CPP Properties"), located at 9103 Buckeye Road, are not useful in the operation of CPP, and that the aggregate book value of the CPP Properties is not more than one percent (1%) of the book value of the total assets of CPP, and authorizing the Director of the Department of Public Utilities to sell the CPP Properties to Miceli-Lograsso Development Company, LLC ("Miceli") for expansion of its business.
Project Summary:	<p>Miceli has requested to purchase CPP owned property near its existing campus and headquarters at 2721 East 90<sup>th</sup> Street for expansion of its cheese manufacturing business, known as Miceli Dairy. The subject property is owned by CPP, and is therefore subject to the provisions of the Trust Indenture. Section 5.03(b)(i) of the Trust Indenture, requires a finding that the property is not useful in the operation of CPP and that the book value of such property does not exceed one percent (1%) of the total assets of CPP as of the end of the most recent fiscal year for which audited financial statements are then available.</p> <p>The CPP Properties are located across Buckeye Road from Miceli's existing campus and headquarters, and are comprised of PPN 126-14-033, an approximately 1.42 acre parcel with a 24,700+ square foot warehouse building, along with PPN 126-14-104, a</p>

smaller vacant parcel abutting the larger parcel, which contains approximately 4,230 square feet, or 0.097 acres. The CPP Properties were acquired by CPP in 2010 and 2012, respectively, to be used for the South Side Service Center, which plans never materialized.

Miceli has been using the building for storage since late 2013 and has been paying the property taxes for this property. Miceli plans to continue to use the building for storage space, and also plans to renovate the building for possible future uses including dry goods warehouse, maintenance and fabrication workshop, and maintenance and dry goods warehouse offices for staff. Sale of the CPP Properties will put them into productive re-use, while allowing Miceli to fully realize their goal of a state-of-the-art campus on Opportunity Corridor, which would provide additional jobs. Miceli is working with the Department of Economic Development on financing to assist in these efforts.

Miceli engaged Andrew Leirer of Andrew Leirer & Associates, to appraise the land and building comprising PPN 126-14-033, and the appraised value is \$295,000.00. PPN 126-14-104 will be sold at the County appraised value of \$2,900 for Permanent Parcel No. 126-14-104.

Permanent Parcel Nos:	PPNs 126-14-033 and 126-14-104
Type of Acquisition:	Quitclaim deed
Price:	Appraised value of \$295,000 for PPN 126-14-033 and the County appraised value of \$2,900 for Permanent Parcel No. 126-14-104.
Ward:	Ward 4 – Councilperson Deborah Gray
Attachments:	Location Map



*OK as corrected  
2/16/22  
5/14/2022*

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of ~~and known as being part of~~ Sublot Nos. 2, 3, 4, 5, 6, 7, 8 and 9 in Reubin Yeakel's Subdivision of part of Original One Hundred Acre Lot Nos. 417, 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 16 of Cuyahoga County Records and part of Sublot Nos. 151, 152, 153 and 154 in Hamilton and Wyman's Subdivision of part of Original One Hundred Acre Lot Nos. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and all of the Consolidated Lot in the Lot Consolidation Plat of P.P # 126-14-033, 034, 035, 036, 037, 038, 039, 040, 041 & 123 as shown by the recorded plat in Volume 287 of Maps, Page 96 of Cuyahoga County Records, further bounded and decribed as follows: Beginning at a 5/8" iron pin set at the intersection of the northwesterly line of East 92nd Place, 12 feet wide, with the northeasterly line of Buckeye Road SE, 80 feet wide, (formerly Woodland Avenue) as widened by the recorded plat in Volume 11 of Maps, Page 2 of Cuyahoga County Records;

Course 1 thence along the northeasterly line of Buckeye Road SE as widened, North 56°08'00" West, a distance of 425.69 feet to a 5/8" iron pin set on the southeasterly line of Sublot No. 1 in aforementioned Reubin Yeakel's Subdivision;

Course 2 thence along the southeasterly line of said Sublot No. 1, North 33°30'00" East, a distance of 56.53 feet to a 5/8" iron pin set on the southerly line of aforementioned Hamilton and Wyman's Subdivision;

Course 3 thence along the southerly line of said Hamilton and Wyman's Subdivision, Due East, a distance of 93.67 feet to a 5/8" iron pin set at the southwesterly corner of land conveyed by Nicholas Chimo and Marie Chimo to John Weizer and Anna Weizer by deed dated June 14, 1907 and recorded in Volume 1089, Page 388 of Cuyahoga County Records;

Course 4 thence along the westerly line of land so conveyed to John Weizer and Anna Weizer, North 00°10'14" East, a distance of 25.98 feet to a 5/8" iron pin set at the southwesterly corner of land conveyed by Julius Peidl and Joan Peidel to Louis Ronyhart, Anna Ronyhart and Anna Bognar by deed dated July 6, 1944 and recorded in Volume 5694, Page 120 of Cuyahoga County Records;

Course 5 thence along the southerly line of land so conveyed to Louis Ronyhart, Anna Ronyhart and Anna Bognar, parallel with the southerly line of Cumberland Avenue SE, 50 feet wide, (formerly Charles Street), South 89°49'46" East, a distance of 57.66 feet to a 5/8" iron pin set on the westerly line of land conveyed by Frank Szabados to Andrew Szabados and Margaret Szabados by deed dated April 16, 1940 and recorded in Volume 5122, Page 4 of Cuyahoga County Records;

Course 6 thence along the westerly line of land so conveyed to Andrew Szabados and Margaret Szabados, South 00°10'14" West, a distance of 5.00 feet to a 5/8" iron pin set at the southwesterly corner therein;

Course 7 thence along the southerly line of land so conveyed to Andrew Szabados and Margaret Szabados and the southerly line of land conveyed by Jolan Yando to Julius Beney by deed dated June 13, 1944 and recorded in Volume 5689, Page 182 of Cuyahoga County Records, parallel with the southerly line of Cumberland Avenue SE, South 89°49'46" East, a distance of 59.00 feet to a 5/8" iron pin set on the westerly line of Jolan lands conveyed by Martin L. O'Donnel, Sheriff of Cuyahoga County, Ohio to The Quincy Savings and Loan Company by Sheriffs deed dated June 23, 1937 and recorded in Volume 4815, Page 619 of Cuyahoga County Records;

Course 8 thence along the westerly line of land so conveyed to The Quincy Savings and Loan Company, South 00°10'14" West, a distance of 20.63 feet to a 5/8" iron pin set on the southerly line of aforementioned Hamilton and Wyman's Subdivision;

Course 9 thence along the southerly line of said Hamilton and Wyman's Subdivision, Due East, a distance of 153.04 feet to a 5/8" iron pin set on the northwesterly line of Tanto Court SE, 12 feet wide;

Course 10 thence along the northwesterly line of Tanto Court SE, South 33° 41'01" West, a distance 107.25 feet to a 5/8" iron pin set at an angle point therein;

Course 11 thence along the southwesterly line of Tanto Court SE, South 28°33'00" East, a distance of 139.89 feet to a 5/8" iron pin set at its intersection with the northwesterly line of East 92nd Place;

Course 12 thence along the northwesterly line of East 92nd Place, South 33°52'00" West, a distance of 87.00 feet to the place of beginning and containing 1.4963 acres of land according to a survey by Matthew C. Neff, Ohio Professional Surveyor #7315, of the M Neff Design Group, dated July 15, 2010, be the same more or less subject to all legal highways.

NOTE: Bearings shown hereon are to an assumed meridian and are used to denote angles only. Monuments described as 5/8" iron pins set are 5/8" diameter by 30" long rebar with cap stamped 'M NEFF 7315'.

PP # 12614033 ✓

Legal Description 9108 Cumberland Avenue

*OK GBW 5/9/2022*

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Sublot No. 151 in Hamilton & Wyman's Allotment of part of Original Ten Acre Lot Nos. 7, 8 and 9 of John Remington's Subdivision of part of Original One Hundred Acre Lot No. 416, as recorded in Volume 5 of Maps, Page 22 of Cuyahoga County Records, bounded as follows:

Beginning at the Northeasterly Corner of said Sublot No. 151 in the Southerly Line of Cumberland Avenue, S.E, thence Southerly along the Easterly Line of said Sublot, 141 04/100 feet to the Southeasterly Corner thereof; thence Westerly along the Southerly Line of said Sublot, 30 feet; thence Northerly parallel with the Easterly Line of said Sublot 41 14/100 feet to the Southerly Line of Cumberland Avenue, S.E., thence Easterly along the Southerly Line of Cumberland Avenue, S.E., 30 feet to the place of beginning, according to the survey of Charles W. Root, Civil Engineer, October 1918, be the same more or less, but subject to all legal highways.

PPN 126-24-104



City of Cleveland **Memorandum**

Justin M. Bibb, Mayor

Date: May 3, 2022

To: Mark Griffin, Chief Legal Counsel and Director  
Department of Law

From: Martin Keane, Director *MTK*  
Department of Public Utilities

Subject: Legislation determining a finding pursuant to Section 5.03(b)(i) of the Amended and Restated Trust Indenture (Sixth Supplemental Indenture), dated as of August 17, 2006, ("Trust Indenture"), that PPNs 126-14-033 and 126-14-104 ("CPP Properties"), located at 9103 Buckeye Road, are not useful in the operation of CPP, and that the aggregate book value of the CPP Properties is not more than one percent (1%) of the book value of the total assets of CPP, and authorizing the Director of the Department of Public Utilities to sell the CPP Properties to Miceli-Lograsso Development Company, LLC for expansion of its business.

Please prepare legislation determining a finding pursuant to Section 5.03(b)(i) of the Amended and Restated Trust Indenture (Sixth Supplemental Indenture), dated as of August 17, 2006, ("Trust Indenture"), that PPNs 126-14-033 and 126-14-104 ("CPP Properties"), located at 9103 Buckeye Road, are not useful in the operation of CPP, and that the aggregate book value of the CPP Properties is not more than one percent (1%) of the book value of the total assets of CPP, and authorizing the Director of the Department of Public Utilities to sell the CPP Properties to Miceli-Lograsso Development Company, LLC for expansion of its business.

Copies of the approved legal descriptions for the property are attached.

Thank you.

MK/JD/sd  
Encl.

Acknowledged by: *James DeRosa*  
James DeRosa, Interim Director of Mayor's Office of Capital Projects

cc: Ryan Puente, Chief Government Affairs Officer  
Elise Hara Auvil, Chief Administrative Officer  
Bradford J. Davy, Chief Strategy Officer  
Bonnie Teeuwen, Chief Operating Officer  
Susanne DeGennaro, Acting Commissioner, Division of Real Estate, MOCAP  
Meredith Carey, Legislative Liaison, MOCAP  
Margreat Jackson, Legislative Liaison, Department of Public Utilities  
Nancy Lanzola, Legislative Liaison, Department of Law  
Beverly Gray, Legislative Liaison, Department of Law