

# Ordinance No. 889-2022

**By Council Members Starr, Hairston and Griffin (by departmental request)**

## AN EMERGENCY ORDINANCE

Authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for the City's public use located on Lexington Avenue to Burten Bell Carr Development Corp., or its designee, for purposes of future development; and to facilitate the transfer of Permanent Parcel No. 124-29-044, located at 2841 East 78<sup>th</sup> Street, to Project Boron, LLC, currently owned by Charles Rockamore as part of Phase II of Project Boron.

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WHEREAS, the construction of a cold storage facility located on Opportunity Corridor, operated by Cleveland Cold Storage, LLC, a related entity of Orlando Baking Company, is known as "Project Boron"; and

WHEREAS, the facility will provide cold storage for Orlando Baking Company and other area food manufacturers and processing company filling a great need for this type of facility in the country; and

WHEREAS, the development of Project Boron will enable the City to both assist local companies with expansion as well as attract new companies to the region by adding this new modern facility; and

WHEREAS, in order to implement Phase II of Project Boron, the Director of Economic Development has requested the sale of the City-owned property, Permanent Parcel No. 104-20-102, to Burten Bell Carr Development Corp., or its designee, no longer needed for the City's public use and located on Lexington Avenue for purposes of the future development of Project Boron and also for authority to facilitate the transfer of Permanent Parcel No. 124-29-044, located at 2841 East 78<sup>th</sup> Street, to Project Boron, LLC currently owned by Charles Rockamore; 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, it is found and determined that the following described property is no longer needed for the City's public use:

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## **Legal Description for PPN 104-20-102**

Situated in the City of Cleveland County of Cuyahoga and State of Ohio and known as being the Northerly 105 feet of Sublot No. 13 in Luther and Arville Moses' Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in volume 5 of Maps, page 40 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Lexington Ave, N.E., (formerly Moses Avenue) and extends back of equal width 105 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinance ordinances, if any.”

Section 2. 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 above-described property to Burten Bell Carr Development Corp. at a price not less than \$1.00, and other valuable consideration, which is determined to be fair market value.

Section 3. That the conveyance 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 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 City's interests and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 4. That the Director of Economic Development is authorized to execute any documents as may be necessary to effectuate the purposes of this ordinance.

Section 5. That, in order the implement Phase II of Project Boron, the Director of Economic Development is authorized to facilitate the transfer of Permanent Parcel No. 124-29-044, located at 2841 East 78<sup>th</sup> Street, to Project Boron, LLC, currently owned by Charles Rockamore.

Section 6. 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  
9-12-2022  
FOR: Director Jackson

