

Ordinance No. 1056-2024

By Council Members McCormack and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Mayor and the Commissioner of Purchases and Supplies to sell certain City-owned properties no longer needed for the City's public use located on Brookpark and Old Grayton Roads near the NASA Glenn Research Center to NASA Park, LLC for purposes of developing hotels and restaurants.

WHEREAS, the Director of Port Control has requested the sale of certain City-owned properties to NASA Park, LLC (the "Redeveloper") no longer needed for the City's public use and located on Brookpark and Old Grayton Roads near the NASA Glenn Research Center for purposes of developing hotels and restaurants; 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 properties are no longer needed for the City's public use:

PPN 029-38-012

LEGAL DESCRIPTION OF PARCEL "E"

SITUATED IN THE CITY OF CLEVELAND, COUNTY OF CUYAHOGA, AND STATE OF OHIO, AND KNOWN AS BEING ALL OF PARCEL "E" AS SHOWN BY PLAT OF LOT SPLIT AND CONSOLIDATION OF P.P.N. 029-20-004, P.P.N. 029 38-008, P.P.N. 029-38-010 CREATING PARCELS "D", "E" AND "F" AS RECORDED IN A.F.N. 201912310295 OF CUYAHOGA COUNTY RECORDS, AND CONTAINING 2.4556 ACRES (106,965 S.F.) OF LAND AS APPEARS BY SAID PLAT, BE THE SAME, MORE OR LESS, BUT SUBJECT TO ALL LEGAL HIGHWAYS AND EASEMENTS OF RECORD.

PPN: 029-38-012

Address: OLD GRAYTON RD., CLEVELAND, OH 44135

PPN 029-38-013

PPN 029-20-008

LEGAL DESCRIPTION OF PARCEL "F"

SITUATED IN THE CITY OF CLEVELAND, COUNTY OF CUYAHOGA AND STATE OF OHIO, AND KNOWN AS BEING ALL OF PARCEL "F" AS SHOWN BY PLAT OF

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LOT SPLIT AND CONSOLIDATION OF P.P.N. 029-20-004, P.P.N. 029-38-008,
P.P.N. 029-38-010
CREATING PARCELS "D", "E" AND "F" AS RECORDED IN A.F.N. 201912310295
OF CUYAHOGA COUNTY RECORDS, AND CONTAINING 0.4527 ACRES (19,720
S.F.) OF LAND AS APPEARS BY SAID PLAT, BE THE SAME, MORE OR LESS,
BUT SUBJECT TO ALL LEGAL HIGHWAYS AND EASEMENTS OF RECORD.

PPN: 029-38-013 & 029-20-008

Address: 0 BROOKPARK RD., CLEVELAND, OH 44135

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 properties to the Redeveloper at a price not less than fair market value as determined by the Board of Control.

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 covenants deemed necessary for aviation purposes, as specified by the Directors of Port Control and Law, 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 City acknowledges, states and affirms, under Article IX of The Trust Indenture, dated November 1, 1976, as amended, that the City desires and requests that certain portion of its land heretofore subject to the Indenture be released and removed from all obligations under the Indenture. Further, the City acknowledges, states and affirms that it is not in default under the Indenture and that release of the land is necessary in order to serve the public purpose.

Section 5. That the Director of Port Control is authorized to apply to the Bank of New York Mellon Trust Company, National Association, as successor trustee, for a land release under the Indenture.

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Section 6. That the Director of Port Control is authorized to execute any documents as may be necessary to effectuate the purposes of 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.

JSM:nl
9-30-2024
FOR: Director Francis

