

Ordinance No. 842-17

**Council Members Brancatelli and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Economic Development to enter into a Purchase Agreement and/or an Option to Purchase Agreement with Weston, Inc., or its designee, for the sale of City-owned properties located at Berea and Madison Roads and known as the Midland Steel site, for the development of a multi-tenant industrial facility; and authorizing the Commissioner of Purchases and Supplies to convey the properties, which are no longer needed for the City's public use.

WHEREAS, the City of Cleveland owns certain properties located at Berea and Madison Roads and known as the Midland Steel site, which are no longer needed for the City's public use; 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 City-owned properties located at Berea and Madison Roads and known as the Midland Steel site, Permanent Parcel Nos. 005-05-001, 005-05-002, 005-06-002 ("Property") are no longer needed for the City's public use.

Section 2. 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 Economic Development is authorized to enter into a Purchase Agreement and/or an Option to Purchase Agreement with Weston, Inc., or its designee, ("Weston") for the sale of the Property in connection with the development of a multi-tenant industrial facility at the site.

Section 3. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to convey the following described Property under the Purchase Agreement and/or the Option to Purchase Agreement authorized above and are more fully described as follows:

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CUYAHOGA COUNTY RECORDER 200311140848 PAGE 3 at 10

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Brooklyn Township Lot No.8, bounded and described as follows:

Beginning at an iron bolt in the Westerly line of West 106th Street (formerly Motley Street) distant Southerly 917 ft. from the Southerly line of Madison Avenue, N.W.;

Thence Southerly along the Westerly line of West 106th Street, 350 ft. to a stake;

Thence Westerly at right angles with West 106th Street, 549.33 ft. to a stake in the Easterly curved line of a parcel of land deeded to The Lake Shore and Michigan Southern Railway Company by Augusta Scott and others by deed dated January 26, 1907 and recorded in Volume 1051, Page 476 of Cuyahoga County Records;

Thence Northwesterly along a curved line deflecting to the left and having a radius of 425.28 ft., 90.04 ft. to a stake;

Thence Easterly along a line drawn at right angles with the Easterly line of West 110th Street, 58.38 ft. to a point of tangency;

Thence Northeasterly along a curved line deflecting to the left, radius 398.06 ft. to an iron bolt;

Thence Easterly along a line drawn parallel with Madison Avenue, N.W., 182.83 ft. to the place of beginning, containing 2.555 acres of land, according to the survey of Charles W. Root, Civil Engineer, made November 1, 1902, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original Brooklyn Township Lot No.8, bounded as follows:

Beginning at an iron bolt in the Southerly line of Madison Avenue, N.W., distant Easterly 146.34 ft. from the intersection of the Southerly line of Madison Avenue, N.W., with the Southeasterly line of Berea Road;

Thence Southerly along a line parallel with and 380 ft. Easterly from the Easterly line of West 110th Street 1142.05 ft. to an iron bolt in the Northerly line of land conveyed by Augusta Scott and others to The Lake Shore and Michigan Southern Railway Company by deed dated January 26, 1907 and recorded in Volume 1051, Page 476 of Cuyahoga County Records;

Thence Northeasterly 287.55 ft. along a curved line deflecting to the left being the Northerly line of land conveyed to The Lake Shore and Michigan Southern Railway Company as aforesaid having a radius of 368.10 ft, and a chord of 280.26 ft. to an iron bolt distant 546.90 ft. from the Easterly line of West 110th Street and 917 ft. from the Southerly line of Madison Avenue;

Thence Easterly parallel with the Southerly line of Madison Avenue, N.W. 213.60 ft. to an iron bolt in the Westerly line of West 106th Street (formerly Motley Street);

Thence Northerly along the Westerly line of West 106th Street, 917 ft. to an iron bolt at the intersection of the Westerly line of West 106th Street and the Southerly line of Madison Avenue, N.W.;

Thence Westerly along the Southerly line of Madison Avenue, N.W., 380.50 ft. to the place of beginning, containing 8.565 acres of land, according to the survey of Charles-W. Root, Civil Engineer made in February 15, 1907, be the same more or less, but subject to all legal highways.

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Parcel No. 3

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Brooklyn Township Lot No.8 and is described as follows:

Beginning at an iron bolt at the intersection of the Easterly line of West 110th Street (formerly Stevens Street) with the Southeasterly line of Berea Road;

Thence Southerly along the Easterly line of West 110th Street, 1060 ft. to an iron bolt in the Northerly line of a 30 foot right-of-way deeded by Augusta Scott and others to The Lake Shore and Michigan Southern Railway Company by deed dated January 26, 1907, filed for record February 12, 1907 and recorded in Volume 1051, Page 476 of Cuyahoga County Records;

Thence Easterly at right angles with West 110th Street and along the Northerly line of said right-of-way 190 ft. to an iron. bolt;

Thence Northeasterly 199.64 ft. along a curved line deflecting to the left having a radius of 368.10 ft. and a chord of 197.21 ft. to an iron bolt which bolt is distant Easterly at right angles 380 ft. from the Easterly line of West 110th Street;

Thence Northerly along a line parallel with and 380 ft. Easterly from the Easterly line of West 110th Street, 1142.05 ft. to an iron bolt in the Southerly line of Madison Avenue, N.W.;

Thence Westerly along the Southerly line of Madison Avenue N.W., 146.34 ft. to an iron bolt at the intersection of the Southerly line of Madison Avenue, N.W., with the Southeasterly line of Berea Road, Thence southwesterly along said southeasterly line of Berea Road 269.76 ft. to the beginning, containing 9.986 acres of land, according to the survey of Charles W. Root, Civil Engineer, made February 15, 1907, be the same more or less, but subject to all legal highways.

Last Transfer: Vol. 95-04674, Pg. 42 Address: 10615 Madison Avenue

Permanent Parcel Numbers 005-05-001 and 005-05-002

LEGAL DESCRIPTION

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Brooklyn Township Lot No. 8 and bounded and described as follows:

Beginning on the centerline of Berea Road, 60 feet wide, at its intersection with the centerline of West 110th Street, 60 feet wide, at which point a 5/8" iron pin in a monument box was found 0.50 feet North;

Thence S. 0° 00' 00" W., along the centerline of West 110th Street, a distance of 1077.33 feet;

Thence N. 90° 00' 00" E., a distance of 30.00 feet, to the Easterly line of West 110th Street and the principal place of beginning;

Thence continuing N. 90° 00'00" E., a distance of 190.00 feet to a point of curvature;

Thence Northeasterly, a distance of 486.76 feet on the arc of a circle deflecting to the left, whose central angle is 75° 45' 54", whose radius is 368.10 feet and whose chord bears N. 52° 07' 03" E., a distance of 452.06 feet;

Thence N. 89° 59' 50" E., a distance of 30.88 feet;

Thence Southwesterly, a distance of 534.02 feet on the arc of a circle deflecting to the right, whose central angle is 76° 51' 29", whose radius is 398.10 feet and whose chord bears S. 51° 34' 16" W., a distance of 494.87 feet to a point of tangency;

Thence S. 90° 00' 00" W., a distance of 190.00 feet to the Easterly line of West 110th Street;

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Thence N. 0° 00' 00" E., along the Easterly line of West 110th Street, a distance of 30.00 feet to the principal place of beginning, and containing 0.4823 acres (21,013 square feet) of land, according to a survey by The Henry G. Reitz Engineering Company, Stuart W. Saylor, Registered Surveyor No. S-8028, dated May, 2007, be the same more or less, but subject to all legal highways and easements of record.

All bearings are based on West 110th. Street having a bearing of N. 0° 00' 00" E., and are used to denote angles only.

PPN: 005-06-002

Section 4. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the Property to Weston under the Purchase Agreement and/or the Option to Purchase Agreement, at a price to be determined by appraisal, but will not exceed \$75,000 an acre, taking into account all restrictions, and encumbrances placed by the City of Cleveland in the deeds of conveyance.

Section 5. That the conveyances 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 deeds 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 6. That the Purchase Agreement and/or the Option to Purchase Agreement and other appropriate documents needed to effectuate this ordinance shall be prepared by the Director of Law.

Section 7. That the proceeds from the Purchase Agreement and/or the Option to Purchase Agreement, the sale, transfer or disposition of the Property shall be deposited into Fund No. 17 SF 965, Industrial Commercial Land Bank.

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.

RB:nl

7-12-17

FOR: Interim Director Ebersole

Council Members Brancatelli and Kelley (by departmental request)

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READ FIRST TIME on JULY 12, 2017
and referred to DIRECTORS of Economic Development,
City Planning Commission, Finance, Law;
COMMITTEES on Development Planning and Sustainability, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

REPORT
after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE