

# Ordinance No. 201-2019

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

## **AN EMERGENCY ORDINANCE**

Authorizing the Directors of Community Development, Economic Development, and/or Public Works, to enter into one or more agreements with the Board of Education of the Cleveland Metropolitan School District for the exchange of lands for future redevelopment and the mutual benefit of the parties; and authorizing the Commissioner of Purchases and Supplies to acquire and convey the properties.

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WHEREAS, Section 3313.40 of the Revised Code permits a board of education and a municipal corporation to exchange real estate upon a vote of a majority of members of the board of education and a concurring vote of the legislative authority declaring that said exchange will be mutually beneficial to both parties; 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 the Directors of Community Development, Economic Development, and/or Public Works, are authorized to enter into one or more agreements ("Agreement") with the Board of Education of the Cleveland Metropolitan School District ("CMSD") for the transfer of lands between the City and CMSD needed for future redevelopment and the mutual benefit of the parties, necessary to implement this ordinance, including but not limited to future occupancy conditions, reversionary rights, demolition of remaining school buildings, and site restoration of the CMSD properties.

Section 2. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Directors of Community Development, Economic Development and/or Public Works, as appropriate, and the Commissioner of Purchases and Supplies are authorized to accept from CMSD title to the properties which are more fully described as follows: Public Works: Permanent Parcel No. 111-02-112; Economic Development: Permanent Parcel Nos. 126-18-022, 126-18-062, 126-18-028, 126-18-025, 126-18-027, 126-18-018, 126-18-023, 126-18-024, 126-18-026, 126-18-065, 126-18-066, 126-18-019, 126-18-021;

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and Community Development: a portion of Permanent Parcel No. 107-15-008, which is more fully described as follows:

A portion of Permanent Parcel No. 107-15-008

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original 100 Acre Lot No. 324 and is further bounded and described as follows:

Beginning at the intersection of the centerline of Wade Park Avenue N.E. (70 Feet Wide) and the centerline of East 92<sup>nd</sup> Street (48 Feet Wide and witnessed by a stone monument with a drill hole found on the centerline of said East 92<sup>nd</sup> Street, North 34.07 feet;

Thence South 89°08’09” West, along the centerline of said Wade Park Avenue N.E., a distance of 654.45 feet to the intersection with the centerline of East 89<sup>th</sup> Street (40 Feet Wide);

Thence North 00°55’56” West, along the centerline of said East 89<sup>th</sup> Street, a distance of 179.84 feet to that portion of East 89<sup>th</sup> Street that was Vacated by Ordinance No. 1384-67 and passed June 26, 1967 and the principal place of beginning;

- Course 1

Thence South 89°08’15” West, along the Northerly line of said East 89<sup>th</sup> Street and that portion of East 89<sup>th</sup> Street that was Vacated by Ordinance No. 1384-67 and passed June 26, 1967, a distance of 20.00 feet to capped iron pin “#7104” found at the Northwesterly corner of said East 89<sup>th</sup> Street;
- Course 2

Thence South 00°55’56” East, along the Westerly line of said East 89<sup>th</sup> Street, a distance of 11.92 feet to a capped iron pin “#7104” found at the Northeasterly corner of a parcel of land conveyed to City of Cleveland by deed recorded in Volume 90-3561, Page 38 of Cuyahoga County Deed Records;
- Course 3

Thence South 89°06’07” West, along the Northerly line of said City of Cleveland parcel, a distance of 84.78 feet to the Northwesterly corner of said City of Cleveland parcel and a point on the Easterly line of a parcel of land conveyed to Kenmore Gardens Ltd. Partnership by deed recorded in Volume 94-11213, page 39 of Cuyahoga County Deed Records and witnessed by a 1/2” iron pin found West of line 0.15 feet;
- Course 4

Thence North 00°51’58” West, along the Westerly line of said Kenmore Gardens Ltd. Partnership parcel and continuing along the Westerly line of a parcel of land conveyed to Charles Bush by deed recorded in A.F.N. 201002170060, a distance of 35.15 feet to a point and witnessed by a 1” iron pipe found South 79°18’40” East, a distance of 2.96 feet;
- Course 5

Thence North 89°08’23” East, a distance of 104.74 feet to a point on the extension of the centerline of said East 89<sup>th</sup> Street and witnessed by a capped iron pin found North of line 0.11 feet;
- Course 6

Thence South 00°55’56” East, along the extension of the centerline of said East 89<sup>th</sup> Street, a distance of 23.17 feet to the principal place of beginning and containing 0.0790 Acre (3440 Square Feet) of land.

Be the same more or less, but subject to all legal highways and easements of record.

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Section 3. That according to the Agreement referenced above and by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the following properties to CMSD: Permanent Parcel No. 106-18-007.

Section 4. That this Council finds that the transactions contemplated in this ordinance are mutually beneficial to the City and the CMSD.

Section 5. That the Directors of Community Development, Economic Development, and/or Public Works are authorized to execute on behalf of the City of Cleveland all necessary documents to acquire, accept, record, and convey the properties.

Section 6. That the conveyances shall be made by official deed prepared by the Director of Law and executed by the Mayor 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 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 7. That notwithstanding and as an exception to the provisions of Chapters 183.07 of the Codified Ordinances of Cleveland, Ohio, 1976, the transfer of properties between CMSD and the City are at no cost to either party, with all of the transactions together acknowledged and determined to be a fair market value transaction.

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.

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READ FIRST TIME on FEBRUARY 11, 2019

REPORTS

and referred to DIRECTORS of Community Development, Economic Development, Public Works, City Planning Commission, Finance, Law; COMMITTEES on Municipal Services and Properties; Development Planning and Sustainability, Finance

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record

REPORT  
after second Reading

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
MUNICIPAL SERVICES  
AND PROPERTIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
SUSTAINABILITY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE

FILED WITH COMMITTEE