

Ordinance No. 325-2019

Council Members McCormack, Brancatelli and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Mayor and the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by Sustainable Community Associates, LTD, or its designee, located at 2703 Scranton Road for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code.

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, the Mayor and the Commissioner of Purchases and Supplies are authorized to acquire from and re-convey to, Sustainable Community Associates, LTD, or its designee, for a price of one dollar and other valuable consideration determined to be fair market value, the following property for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code and more fully described as follows:

Parcel No. 1:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:

And known as being a part of Sublot Nos. 168 and 170 in John G. Jennings University Subdivision of part of Original Brooklyn Township Lot Nos. 71 and 87 as shown by the recorded plat of said subdivision in Volume 1 of Maps, Page 15 of Cuyahoga County Records, bounded and described as follows:

Beginning at the intersection of the Easterly line of Scranton Road, S.W. with the Northerly line of Auburn Avenue, S.W.;

Thence Easterly along said Northerly line of Auburn Avenue, S.W., 91.97 feet to the Southwesterly corner of a parcel of land conveyed to C.M. Sheldon and Seth N. Sheldon to Stephan B. Conklin Jr. and Ross Conklin, by deed dated March 3, 1884 and recorded in Volume 365, Page 82 of Cuyahoga County Records;

Thence Northerly at right angles to said Northerly line of Auburn Avenue, S.W., along the Westerly line of land so conveyed to Stephan B. Conklin, Jr. and Rosa Conklin 88.58 feet to the Northwesterly corner of land so conveyed;

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Thence Westerly parallel to said Northerly line of Auburn Avenue, S.W., 73.65 feet to said Easterly line of Scranton Road, S.W.;

Thence Southerly along said Easterly line of Scranton Road, S.W., 90.52 feet to the place of beginning, as appears by said plat, be the same more or less but subject to all legal highways.

PPN: 004-20-070

Parcel No. 2:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:

And known as being a part of Sublot No. 170 in the Subdivision and allotment of John C. Jennings, of lands on University Heights (so called) in said City of part of Original Brooklyn Township Lot Nos. 71 and 87 as shown by the recorded plat of said subdivision in volume 1 of Maps, Page 15 of Cuyahoga County Records and is bounded and described as follows;

Beginning at a point in the Northerly line of Auburn Avenue, S.W., 34-8/12 feet Easterly from the Southwest corner of said Lot 170;

Thence Westerly along the Northerly line of Auburn Avenue, S.W. 31-4/12 feet;

Thence Northerly at right angles with Auburn Avenue 88 7/12 feet;

Thence Easterly and parallel with the Northerly line of Auburn Avenue 32-2/12 feet;

Thence Southerly in a direct line 88-7/12 feet to the place of beginning, be the same more or less, but subject to all legal highways.

PPN: 004-20-069

Parcel No. 3:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:

And known as being the Southerly 88.58 feet of the Easterly 31 feet, 4 inches of Sublot No. 170 in John G. Jennings University Heights Subdivision of part of original Brooklyn Township Lot Nos. 71 and 87, as shown by the recorded plat in Volume 1 of maps, page 15 of Cuyahoga County Records, and being 31 feet, 4 inches from on the Northerly side of Auburn Avenue, S.W., and extending back of equal width 88.58 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

PPN: 004-20-068

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Parcel No. 4:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:

And known as being the Easterly 8 feet of Sublot No. 171 and the Westerly 32 feet of Sublot No. 173 in J.C. Jennings Subdivision of part of Original Brooklyn Township Lots Nos. 71 and 87, as shown by the recorded plat in Volume 1 of Maps, Page 15 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Auburn Avenue, S.W. and extending back of equal width 148 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

PPN: 004-20-032

Parcel No. 5:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:

And known as being part of Sublot No. 171 in John G. Jennings's University Heights Allotment of part of Original Brooklyn Township Lots Nos. 87 and 71, as shown by the recorded plat in Volume 1 of Maps, Page 15 of Cuyahoga County Records, and bounded and described as follows: Beginning on the Southerly line of Auburn Avenue, S.W. (formerly Auburn Street), at a point distant 25 feet Easterly from the Northwesterly corner of said Sublot No. 171; thence Easterly along said Southerly line of Auburn Avenue, S.W., 33 feet to the Southerly line of said Sublot No. 171, thence Westerly along the Southerly line of Sublot No. 171, 33 feet; thence Northerly on a line parallel to said Easterly line, of said Sublot No. 171, 148 feet to the place of beginning, be the same more or less, but subject to all legal highways.

PPN: 004-20-031

Parcel No. 6:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:

And known as being part of Sublot Nos. 167, 169 and 171 in John G. Jennings's University Heights Subdivision of part of Original Brooklyn Township Lot Nos. 71 and 87, as shown by the recorded plat in Volume 1 of Maps, Page 15 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows: Beginning at the intersection of the Southeasterly line of Scranton Road S.W., and the Southerly line of Auburn Avenue, S.W.;

Thence Southwesterly along the Southeasterly line of said Scranton Road S.W., 96.13 feet to the Northwesterly corner of the ninth parcel of land conveyed to Louise P. Scheck and Olga A. Scheck by deed dated April 24, 1947 and recorded in Volume 6273, Page 141 of Cuyahoga County Records;

Thence Easterly along the Northerly line of said parcel so conveyed to Louise P. Scheck and Olga A. Scheck, 146.74 feet to the Westerly line of a parcel of land conveyed to Sophie Morad by deed dated November 9, 1943 and recorded in Volume 5642, Page 712 of Cuyahoga County Records;

Thence Northerly along said Westerly line, 93.94 feet to the Southerly of the said Auburn Avenue S.W.;

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Thence Westerly along said Southerly line, 117.29 feet to the place of beginning, be the same more or less but subject to all legal highways.

PPN: 004-20-030

Parcel No. 7:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:

And known as being part of Sublot Nos. 167, 169, and 171 in John G. Jennings Subdivision on University Heights, the plat of which is recorded in Volume 1 of Maps, Page 15 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Easterly line of Scranton Road at a point 96.13 feet Southerly from the Northwesterly corner of said Lot No. 167;

Thence Easterly parallel with the Southerly line of Auburn Avenue, to a point 25 feet, Easterly from the Westerly line of said Lot No. 171;

Thence Southerly parallel with the Westerly line of said Lot No. 171, 27.03 feet;

Thence Westerly to a point in the Easterly line of Scranton Road, 27.62 feet Southerly from the place of beginning;

Thence Northerly along the Easterly line of Scranton Road, 27.62 feet to the place of beginning, be the same more or less but subject to all legal highways.

The above premises more accurately described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:

And known as being a part of Sublot Nos. 167, 169 and 171 in John G. Jennings' University Heights Allotment of part of original Brooklyn Township Lot Nos. 71 and 87 as shown by the recorded plat in Volume 1 of Maps, Page 15 of Cuyahoga County Records and together forming a parcel of land bounded and described follows:

Beginning on the Southeasterly line of Scranton Road, S.W., at point distance 96.13 feet Southwesterly measured along said Southeasterly line, from the intersection of said Southeasterly line with the Southwesterly line of Auburn Avenue, S.W.;

Thence Easterly parallel with the Southerly line of Auburn Avenue, S.W., 146.74 feet to a point 25 feet Easterly, measured along said parallel line from the Westerly line of said Sublot No. 171;

Thence Southerly parallel with the Westerly line of said Sublot No. 171, 27.03 feet;

Thence Westerly 152.42 feet to a point in the Southeasterly line of Scranton Road, S.W., distant Southwesterly 27.62 feet measured along said Southeasterly line from the place of beginning;

Thence Northeasterly along the Southeasterly line of Scranton Road, S.W., 27.62 feet to the place of beginning, be the same more or less but subject to all legal highways.

PPN: 004-20-029

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Parcel No. 8:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:

And known as being a part of Sublot Nos. 167, 169 and 171 in John G. Jennings Subdivision of University Heights the plat of which is recorded in Volume 1 of Maps, Page 15 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of Scranton Road at a point 123.75 feet Southerly from the Northwestern corner of said Lot No. 167;

Thence Easterly parallel with the Southerly line of Auburn Street, to a point twenty-five (25) feet Easterly from the Westerly line of Lot No. 171;

Thence Southerly, parallel to the Westerly line of Lot No. 171, 27.03 feet to the Southerly line of said Lot No. 171;

Thence Westerly along the Southerly line of Sublots 171, 169 and 167, to the Southwesterly corner of Lot No. 167;

Thence Northerly along the Easterly line of Scranton Road, 27.62 feet to the place of beginning.

The above premises being described more accurately as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:

And known as being a part of Sublot Nos. 167, 169 and 171 in John G. Jennings University Heights Allotment of part of Original Brooklyn Township Lot Nos. 71 and 87, as shown by the recorded plat in Volume 1 of Maps, Page 15 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Southeasterly line of Scranton Road S.W., at a point distant 123.75 feet Southwesterly measured along said Southeasterly line from the intersection of said Southeasterly with the Southwesterly line of Auburn Avenue, S.W.;

Thence Easterly parallel with the Southerly line of Auburn Avenue S.W., 152.43 feet to a point 25 feet Easterly measured along parallel line from the Westerly line of said Sublot No. 171;

Thence Southerly parallel with the Westerly line of said Sublot No. 171, 27.03 feet to the Southerly line of said Sublot No. 171;

Thence Westerly along the Southerly line of said Sublot Nos. 171, 169 and 167, 158.10 feet to the Southeasterly line of Scranton Road, S.W.;

Thence Northeasterly along the Southeasterly line of Scranton Road, S.W., 27.62 feet to the place of beginning be the same more or less but subject to all legal highways.

PPN: 004-20-028

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Parcel No. 9:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio,

And known as being a part of Original Brooklyn Township Lot No. 71 and bounded and described as follows;

Beginning in the center line of Scranton Road, S.W., at the Southwest corner of land conveyed to Susan M. Gillet by deed dated April 10, 1856 and recorded in Volume 82, Page 651 of Cuyahoga County Records; thence Easterly and along the Northerly line of Branch Avenue, S.W., 223 feet 1 inch to the Southwest corner of land conveyed to John W. Ramp by deed dated June 26, 1905 and recorded in Volume 980, Page 335 of Cuyahoga County Records; thence Northerly along the Westerly line of land conveyed to John W Ramp as aforesaid; 132 feet to the Northerly line of land conveyed to Susan M. Gillet as aforesaid; thence Westerly along said Northerly line 196 feet 9 inches to the center line of Scranton Road, S.W., thence Southerly along the center line of Scranton Road S.W., 134 feet 7 inches to the place of beginning, be the same more or less, but subject to all legal highways, except taxes and assessments, both general and special, not yet due payable; zoning ordinances, if any; restrictions, conditions, reservations and easements of record, if any.

PPN: 004-20-027

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the properties and to employ and to cause Sustainable Community Associates, LTD, or its designee, to pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition and sale of the properties.

Section 3. That this Council finds the conveyances are in compliance with Section 5709.41(B)(1) of the Revised Code and the proposed improvements constitute and are declared a public purpose under said section and the subject property is located in a blighted area of an impacted City as required by Section 5709.41 of the Revised Code.

Section 4. 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.

Section 5. 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.

SM:nl
3-18-19
FOR: Director Ebersole

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Council Members McCormack, Brancatelli and Kelley (by departmental request)

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Authorizing the Mayor and the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by Sustainable Community Associates, LTD, or its designee, located at 2703 Scranton Road for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code.

READ FIRST TIME on MARCH 18, 2019

REPORTS

**and referred to DIRECTORS of Economic Development,
City Planning Commission, Finance, Law;
COMITTEES on Development Planning and Sustainability, Finance**

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **106** Page _____

Published in the City Record

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