

Ordinance No. 712-2019

**Council Members 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 Jennings Freeway Industrial Park, an Ohio general partnership, or its designee, located at 4781 Hinckley Industrial Parkway 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, Jennings Freeway Industrial Park, an Ohio general partnership, or its designee, for a nominal consideration 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:

**LEGAL DESCRIPTION
OF
6.1348 ACRE PARCEL OF LAND
OF
PART OF P.P.N. 010-31-001 AND -002
HINCKLEY INDUSTRIAL PARKWAY, CLEVELAND**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Block "L" in the Resubdivision of Jennings Freeway Industrial Park of part of Original Brooklyn Township Lot No. 79 as shown by the plat recorded in Volume 233, Page 36 of Cuyahoga County Map Records and bounded and described as follows:

Beginning at the intersection of the centerline of Hinckley Industrial Parkway (60 feet wide) as shown on the Dedicated Plat recorded in Volume 229, Page 28 and Volume 229, Page 48 of Cuyahoga County Map Records and the centerline of Schaaf Road (50 feet wide) as shown on the Centerline Survey Plat recorded in Volume 361, Page 36 of Cuyahoga County Map Records;

Thence North 29°22'36" East along the centerline of Hinckley Industrial Parkway, passing through a 1" iron pin (0.00 feet north and 0.04 feet west) in a monument box at 25.00 feet, 104.46 feet to a 1" iron pin in a monument box (0.19 feet north and 0.00 feet east) at a point of curvature;

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Thence along the curved centerline of Hinckley Industrial Parkway deflecting to the left, an arc of 206.29 feet with a delta of 19°41'58", said curve having a radius of 600.00 feet and a chord that bears North 19°31'37" East, 205.28 feet to a 1" iron pin in a monument box at a point of tangency;

Thence South 80°19'22" East, 30.00 feet to the easterly right of way of Hinckley Industrial Parkway and being the **PRINCIPAL PLACE OF BEGINNING** of the premises herein described;

Thence North 09°40'38" East along the easterly right of way of Hinckley Industrial Parkway, 409.03 feet to the southwesterly corner of land described to Wesco Real Estate I, LLC (P.P.N. 010-29-010) by the deed dated March 07, 2003 and recorded in AFN. 200303071303 of Cuyahoga County Deed Records;

Thence South 78°22'40" East along the southerly line of land so described to Wesco Real Estate I, LLC and being the southerly line of Sublot No. 10 of The Map of Lot Split recorded in Volume 239, Page 59 of Cuyahoga County Map Records, 630.45 feet to a southeasterly corner therein;

Thence North 17°57'33" East along an easterly line of land so described to Wesco Real Estate I, LLC and being the easterly line of said Sublot No. 10, 80.00 feet to a southwesterly corner of land described to John A. Litteria and D. Litteria (P.P.N. 010-31-004) by deed dated June 11, 1976 and recorded in Volume 14255, Page 527 of Cuyahoga County Deed Records;

Thence South 01°56'46" East, 220.02 feet to the northerly line of land described to Kiwi Real Estate Holdings Ltd. (P.P.N. 010-31-005) by deed dated March 18, 2015 and recorded in AFN. 201503180464 of Cuyahoga County Deed Records;

Thence South 88°03'14" West along the northerly line of land so described to Kiwi Real Estate Holdings Ltd., 79.67 feet to the northwesterly corner therein;

Thence South 01°55'18" East along the westerly line of land so described to Kiwi Real Estate Holdings Ltd. 203.46 feet to a northerly line of land so described to Manolis Investments LLC (P.P.N. 010-31-003) by deed dated May 21, 2010 and AFN. 201005210211 of Cuyahoga County Deed Records;

Thence South 87°33'52" West along a northerly line of land so described to Manolis Investments LLC, 323.09 feet to a northwesterly corner therein;

Thence North 08°26'16" East, 3.37 feet to an angle point;

Thence North 80°19'22" West along a northerly line of so described to Manolis Investments LLC, 333.48 feet to the curved easterly right of way of said Hinckley Industrial Parkway;

Thence along the curved easterly right of way of Hinckley Industrial Parkway deflecting to the left, an arc of 28.49 feet with a delta of 2°35'29", said curve having a radius of 630.00 feet and a chord that bears North 10°58'23" East, 28.49 feet to the **PRINCIPAL PLACE OF BEGINNING** and containing 6.1348 acres (267,231 Sq.Ft) of land as land as described by Edward B. Dudley, PS No. 6747 of the Riverstone Company in May of 2019 and subject to all legal highways, restrictions, reservations and easements.

Basis of Bearings:

The centerline of Hinckley Industrial Parkway in the dedication of Hinckley Industrial Parkway as North 09°40'38" East as shown on the plat recorded in Volume 229, Page 28 and 48 of Cuyahoga County Map Records.

Deed of Reference:

Land described to Jennings Freeway Industrial Park, an Ohio general partnership, by deed dated July 6, 1983 and recorded in Volume 83-00188, Page 833 of Cuyahoga County Deed Records.

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 Jennings Freeway Industrial Park, or

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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 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.

SMa:nl
6-3-19

FOR: Director Ebersole

Ord. No. 712-219

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READ FIRST TIME on JUNE 3, 2019

REPORTS

**and referred to DIRECTORS of Economic Development,
City Planning Commission, Finance, Law;
COMMITTEES 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