

Ordinance No. 1187-18

Council Members: Cleveland, Brancatelli, Kelley and Keane (by departmental request)

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located on Brookpark Road near NASA Glenn Research Center to 21000 Brookpark Landlord, LLC, for purposes of providing parking for a redevelopment to be located in Fairview Park; and to enter into a purchase and sale agreement.

WHEREAS, the Director of Port Control has requested the sale of the City-owned property to 21000 Brookpark Landlord, LLC, (the “Redeveloper”) no longer needed for the City’s public use and located on Brookpark Road near NASA Glenn Research Center for purposes of providing parking for a redevelopment to be located in Fairview Park; 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 property is no longer needed for the City’s public use:

**LEGAL DESCRIPTION
OF
PARCEL “D”
PART OF
P.P.N. 029-38-008 AND P.P.N. 029-38-010**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Parcel "A" and Parcel "C" in the Lot Split Plat of P.P.N. 029-38-002 of part of the Original Rockport Township Section No. 4 as shown by the plat recorded in Volume 339, Page 72 of Cuyahoga County Map Records and further bounded and described as follows:

Beginning at a 1” iron pin in a monument box found on the centerline of Brookpark Road (State Route 17) (100 feet wide) as shown by the Dedication Plats recorded in Volume 130, Pages 68-69 and Volume 130, Pages 152-154 of Cuyahoga County Map Records and being on a westerly corporation line of land conveyed to the City of Cleveland (P.P.N. 029-38-008) by the deed dated January 2, 1926, and recorded in Volume 3433, Page 340 of Cuyahoga County Deed Records;

Thence North 00°38'24" West along said westerly corporation line of City of Cleveland, 50.00 feet to a 5/8" iron pin set on the northerly right of way of Brookpark Road at the southeasterly corner of land conveyed to 21000 Brookpark Landlord LLC (P.P.N. 331-35-002) by the deed dated September 28, 2016 and recorded in the Auditors File Number 201609280731 of Cuyahoga County Deed Records and being the **Principal Place of Beginning** of the premises herein described;

Thence North 00°38'24" West along an easterly line of land so conveyed to 21000 Brookpark Landlord LL and the westerly corporation line of City of Cleveland, 430.75 feet to a 5/8" iron pin set at a point of curvature;

Thence along a curve deflecting to the right, an arc of 226.74 feet with a delta of 64°57'19", said curve having a radius of 200.00 feet and a chord that bears North 56°17'38" East, 214.79 feet to a 5/8" iron pin set at a point of tangency;

Thence North 88°46'18" East, 410.00 feet to a 5/8" iron pin set;

Thence South 01°13'42" East, 188.00 feet to a 5/8" iron pin set;

Thence North 88°46'18" East, 240.36 feet to a 5/8" iron pin set on the curved westerly right of way of Old Grayton Road S.W. (60 feet wide) as relocated in the plat recorded in Volume 340, Page 31 of Cuyahoga County Map Records;

Thence along the curved westerly right of way of Old Grayton Road S.W., deflecting to the left, an arc of 173.16 feet with a delta of 24°11'55", said curve having a radius of 410.00 feet and a chord that bears South 00°05'29" West, 171.88 feet to a 5/8" iron pin set;

Thence South 89°43'19" West, 20.00 feet to a 5/8" iron pin set;

Thence South 00°16'41" East, 40.00 feet to a 5/8" iron pin set;

Thence South 39°13'44" West, 145.16 feet to a 5/8" iron pin set;

Thence South 89°43'19" West, 45.00 feet to a 5/8" iron pin set on the easterly line of the Parcel "B" (P.P.N. 029-38-009) in said Lot Split Plat of P.P.N. 029-38-002 as shown by the plat recorded in Volume 339, Page 72 of Cuyahoga County Map Records;

Thence North 00°16'41" West along the easterly line of Parcel "B", 152.00 feet to a 5/8" bent iron pin found (0.10 feet south and 0.06 feet east);

Thence South 89°43'19" West along the northerly line of Parcel "B", 200.00 feet to a 5/8" iron pin set;

Thence South 00°16'41" East along the westerly line of Parcel "B", 200.00 feet to a 5/8" iron pin found (0.13 feet south and 0.00 feet east) on the northerly right of way of Brookpark Road;

Thence South 89°43'19" West along the northerly right of way of Brookpark Road, 471.47 feet to the **Principal Place of Beginning**, containing 8.0686 acres (351,469 square feet) of land as surveyed and described by Edward B. Dudley, P.S. No. 6747, of the Riverstone Company in May 2018 and subject to all legal highways, restrictions, reservations and easements.

Note: All 5/8"x30" iron pins set and capped "Riverstone Company-Dudley PS6747-PS8646"

Basis of Bearings: The centerline of Brookpark Road as North 89°43'19" East as shown in the Lot Split Plat of P.P.N. 029-38-002 as shown by the plat recorded in Volume 339, Page 72 of Cuyahoga County Map Records.

Deed of Reference: Land conveyed to City of Cleveland by the deed dated January 2, 1926 and recorded in Volume 3433, Page 340 of Cuyahoga County Deed Records

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Redeveloper at a price not less the appraised value of \$1,100,000, which is determined to be fair market value.

Section 3. That the conveyance 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 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.

Section 6. That the Director of Port Control is authorized to enter into a Purchase and Sale Agreement with Brookpark Landlord LLC and any other agreements necessary, and to execute any documents needed 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.

Passed April 22, 2019.

Effective April 24, 2019.