

Ordinance No. 261-2019

Council Members: B. Jones, Johnson, Brancatelli and Kelley (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 at the southwest corner of Hough Avenue and Ansel Road to New Village Corporation, or its designee, for development of the Hough-Ansel Apartment Project; accepting a cash donation for the relocation and construction of Orr Park on Lamont Avenue; and authorizing agreements, professional services, and a public improvement to implement the project.

WHEREAS, the City of Cleveland, and New Village Corporation or its designee (“New Village”), and Signet Hough Housing, LLC (“Signet”), (collectively, the “Developers”) wish to implement the Hough-Ansel Apartment Project to be located at the southwest corner of Hough Avenue and Ansel Road (the “Project Site”); and

WHEREAS, currently, the City’s Orr Park parcel and one parcel which is in Community Development’s residential land bank are at the Project Site location; and

WHEREAS, as part of the development plan, both of those parcels would be sold to New Village for the Hough-Ansel Apartment Project; and

WHEREAS, the Orr Park parcel will be sold at fair market value and the land bank parcel will be sold under the authority, terms and conditions of Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, to New Village; and

WHEREAS, Orr Park will be relocated to nearby Lamont Avenue on properties which are also currently in the City’s residential land bank to be reutilized under Section 183.021 of the Codified Ordinances; and

WHEREAS, construction and site preparation of the new Orr Park on Lamont Avenue will be funded using the proceeds the City receives from the sale of the Orr Park parcel and from a cash donation from New Village; 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:

Permanent Parcel No. 119-13-072
(Orr Park)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original 100 Acre Lot No. 393, a portion of Amesbury Avenue, N.E. (40 feet wide), vacated by Ordinance No. 878-67, passed by the Council of the City of Cleveland April 24, 1967, as shown by the recorded plat in Volume 202 of Maps, Page 59 of Cuyahoga County Records, part of Sublot No. 11 and Block "B" in the C. S. & H. S. Sharp Subdivision, recorded in Volume 49 of Maps, Page 25 of Cuyahoga County Records, bounded and described as follows:

Beginning at a point in the westerly line of Ansel Road N. E. (60 feet wide) as re-located by the recorded plat in Volume 202 of Maps, Page 21 of Cuyahoga County Records, said point being North $13^{\circ}-20'-01''$ West, (measured along said Westerly line of Ansel Road N. E.) 80.01 feet from the Northerly line of said Amesbury Avenue N. E.; thence South $13^{\circ} 20' 01''$ East, along the Westerly line of said re-located Ansel Road N. E., 209.61 feet to a point of curvature therein; thence continuing along the westerly line of said Ansel Road N. E., being the arc of a circle deflecting to the left, having a radius of 380.00 feet, a chord which bears South $18^{\circ} 47' 59''$ East, a distance of 72.40 feet, an arc distance of 72.50 feet to its intersection with the Westerly line of a parcel of land conveyed to the Board of Education of the Cleveland City School District by deed recorded in Volume 8894, Page 461 of Cuyahoga County Records; thence South $0^{\circ} 32' 36''$ West, along said Westerly line of land conveyed to the Board of Education of the Cleveland City School District, a distance of 79.26 feet to a Southwesterly corner therein; thence in a general Westerly direction, along the irregular Northerly line of said land conveyed to the Board of Education of the Cleveland City School District, and along the Northerly line of land conveyed to the Board of Education of the Cleveland City School District by deed recorded in Volume 8031, Page 7, of Cuyahoga County Records, and along the Northerly line of land conveyed to The Lamont Building Co. by deed recorded in Volume 7071, Page 303 of Cuyahoga County Records and along a Northerly line of land conveyed to Sherman D. Cahn by deed recorded in Volume 8431, Page 344 of Cuyahoga County Records, the following described courses and distances: South $63^{\circ} 48' 06''$ West, 39.43 feet; thence South $80^{\circ} 07' 27''$ West, 81.84 feet; thence North $69^{\circ} 28' 21''$ West, 52.14 feet; thence South $62^{\circ} 05' 23''$ West 39.60 feet; thence North $86^{\circ} 27' 39''$ West, 43.79 feet to the Southwesterly corner of a parcel of land conveyed to Charles D. Bishop by deed recorded in Volume 177, Page 19 of Cuyahoga County Records; thence North $13^{\circ} 22' 21''$ West, along the Westerly line of land so conveyed to Charles D. Bishop a distance of 330.45 feet to the Southeasterly corner of a parcel of land conveyed to Nula Mae Williams by deed recorded in Volume 9765, Page 326 of Cuyahoga County Records, said point also being in the Southwesterly corner of land conveyed to Whit and H. Moss by deed recorded in Volume 12905, Page 601 of Cuyahoga County Records; thence North $76^{\circ} 36' 59''$ East along the Southerly line of said land conveyed to Whit and H. Moss and along the Southerly line of land conveyed to Community Circle, Ltd., by deed recorded in Volume 13195, Page 319, of Cuyahoga County Records, and along its Easterly prolongation, 256.00 feet to the place of beginning and containing 90,326 square feet, (2.0736 acres) of land according to a survey dated October, 1973, by the City of

Cleveland, Department of Public Service, Division of Engineering and Construction, Plats and Surveys, be the same more or less, but subject to all legal highways.

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 New Village at a price not less than the appraised value of \$580,384, which is determined to be fair market value.

Section 3. 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:

Permanent Parcel No. 119-13-022
(Land Bank)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio:
And known as being part of Original One Hundred Acre Lot No. 393 and further bounded and described as follows:

Beginning at the Northeasterly corner of land conveyed to Buckeye Mortgage Inc. by deed recorded in Volume 9765, Page 326 of Cuyahoga County Deed Records, said point also lies in the Southerly Right-of-Way line of Hough Ave. (60 feet wide); Thence Easterly along said Right-of-Way line of Hough Ave., North 76 deg. 36' 59" East, 217.82 feet to a point; Thence South 13 deg. 20' 01" East, 120.00 feet to a point; Thence South 76 deg. 36' 59" West, 217.83 feet to a point; Thence North 13 deg. 20' 01" West, 120 feet to the principal place of beginning and containing 0.6001 acres of land, according to a survey dated March 1973 by Ciuni-Zwick Associates, be the same more or less, but subject to all legal highways.

Commonly known as: 9620 Hough Avenue, Cleveland, Ohio 44106

Section 4. That, by and at the direction of the Director of Community Development, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to New Village at a price not less than \$200 and other valuable consideration.

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 City's interests and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 6. That the Directors of Community Development, Public Works, and/or Capital Projects, as appropriate, are authorized to accept the gift of cash in the amount of \$304,616 from New Village to finance the relocation and construction of the new Orr Park to be located on Lamont Avenue on PPNs 119-13-056, 119-13-057, 119-13-058, and 119-13-059; that the Director is authorized to file all papers and execute all documents

necessary to receive the funds; and that the funds are appropriated solely for the purposes described above.

Section 7. That the Directors of Community Development, Public Works, and/or Capital Projects, as appropriate, may enter into and execute a development agreement with the Developers, or execute any documents or other agreements that are necessary to implement this ordinance.

Section 8. That the proceeds from the sale of park property to New Village located at the Project Site and the cash gift authorized above shall be placed into a fund or funds to be determined by the Director of Finance and shall be used along with any other funds designated by the Director of Finance for the purpose of constructing and making site preparations for Orr Park to be relocated to its new location on Lamont Avenue.

Section 9. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing and making site preparations for Orr Park to be relocated to its new location on Lamont Avenue (the "Improvement"), for the Department of Public Works or the Office of Capital Projects, as appropriate, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit for the Improvement.

Section 10. That the Director of Public Works or Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 11. That the Director of Public Works or Capital Projects, as appropriate, is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 12. That the Director of Public Works or Capital Projects, as appropriate, is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the appropriate Director from a list of qualified consultants available for employment, as may be determined after a full and complete canvass by the appropriate Director for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the appropriate Director and certified by the Director of Finance.

Section 13. That the cost of the contracts and other expenditures authorized in this ordinance shall be paid from the fund or funds to which are credited the proceeds from the sale of the properties to New Village located at the Project Site, the fund or fund to which are credited the cash gift, and any other funds approved by the Director of Finance.

Section 14. 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 March 25, 2019.

Effective March 26, 2019.