

**Ordinance No. 444-2019**

**Council Members:** Keane, Cleveland, 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 adjacent to Old Grayton Road to Canal Road Partners, LLC, for purposes of having clear title to all their structures and assets; and to enter into a purchase and sale agreement.**

**WHEREAS**, the Director of Port Control has requested the sale of a 1.96 acre of City-owned property to Canal Road Partners, LLC (“CRP”) located adjacent to Old Grayton Road and is more fully described as Permanent Parcel No. 029-07-053 (the “Property”); and

**WHEREAS**, in 2001, when CRP purchased the adjacent concrete manufacturing and recycling factory from Grayton Road Properties, Inc., the title research conducted prior to the purchase failed to reveal that several of the factory’s related structures and staging areas were actually located on City property; and

**WHEREAS**, the Property is no longer needed for the City’s public use and is being sold to CRP for purposes of CRP having clear title to all their structures and assets; 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:

**March 11, 2019  
Legal Description  
Of a Parcel of Land on Grayton Road  
In the City of Cleveland  
(1.9993 Acres)**

Situated in the City of Cleveland, formerly Township of Riveredge, County of Cuyahoga and the State of Ohio and known as being part of original Rockport Township Section 4, and being all of land conveyed by Thomas S. and Caroline L. Najjar, to the Township of Riveredge by deed dated 3/31/1982 and recorded in volume 15627, page 955 of Cuyahoga County Records (PPN 029-07-053 and 029-07-054), being further described as follows:

Beginning at the intersection of the centerline of Brookpark Road (100 feet wide), and re-located Old Grayton Road as shown by plat of vacation recorded in volume 340, page 31 of Cuyahoga County Map Records, witnessed by a 1-inch iron pin in a monument box found 231.14 feet along the arc of a curve in the centerline of said Brookpark Road, deflecting to the right and having a radius of 674.07 feet, a delta of 19°38'49" and a chord of 230.01 feet bearing South 79°53'19" West;

Thence North 19°56'05" West, along the centerline of said re-located Old Grayton Road, 176.63 feet to a point of curvature therein;

Thence northerly, 514.52 feet along the arc of a curve in the centerline of said re-located Old Grayton Road, deflecting to the right and having a radius of 380.00 feet, a delta of 77°34'41" and a chord of 476.11 feet bearing North 18°51'15" East to a 5/8-inch iron pin in a monument box at a point of tangency therein;

Thence North 57°38'36" East, along the centerline of said re-located Old Grayton Road, 240.86 feet to a 5/8-inch iron pin in a monument box at a point of curvature therein;

Thence northeasterly, 232.37 feet along the arc of a curve in the centerline of said re-located Old Grayton Road, deflecting to the left and having a radius of 380.00 feet, a delta of 35°02'09" and a chord of 228.76 feet bearing North 40°07'31" East to a point of tangency therein, and being in the original un-vacated centerline of Grayton Road;

Thence North 22°36'27" East, along the original centerline of said Grayton Road, 247.42 feet to the southerly limited access line of Interstate Route 480, and witnessed by a 5/8-inch iron pin in a monument box found North 22°36'27" East, 124.66 feet;

Thence South 88°36'31" West, along the southerly limited access line of Interstate Route 480, at 60.02 feet passing through a 5/8-inch iron pin (Id: CT) found at an angle point therein, and being the westerly right of way of said Grayton Road, the northeasterly corner of New Lot 1A as shown by Plat of Lot Split and Consolidation recorded in volume 333, page 59 of Cuyahoga County Map Records, 148.39 feet to an angle point in the northerly line of said New Lot 1A;

Thence North 74°57'16" West, along the northerly line of said New Lot 1A, 150.54 feet to a 5/8-inch iron pin (Id: 7801) found at an angle point therein, and the Principal Place of Beginning of the following described parcel:

**Course 1** Thence South 00°15'26" East, along the northerly line of said New Lot 1A, 42.50 feet to a 5/8-inch iron pin (Id: K&S) found at an angle point therein;

**Course 2** Thence South 88°36'31" West, along the northerly line of said New Lot 1A, 149.79 feet to a 5/8-inch iron pin (Id: Polaris) set at an angle point therein;

**Course 3** Thence North 00°15'26" West, along the northerly line of said New Lot 1A, 29.93 feet to a 5/8-inch iron pin (not capped) found at an angle point therein;

- Course 4** Thence South  $88^{\circ}55'39''$  West, along the northerly line of said New Lot 1A, 208.37 feet to a 5/8-inch iron pin (Id: Polaris) set at an angle point therein;
- Course 5** Thence North  $76^{\circ}19'39''$  West, along the northerly line of said New Lot 1A, 257.64 feet to a 5/8-inch iron pin (Id: Polaris) set at an angle point therein;
- Course 6** Thence North  $73^{\circ}14'32''$  West, along the northerly line of said New Lot 1A, and the northerly line of New Lot 5A of said Plat of Lot Split and Consolidation, 238.69 feet to a 5/8-inch iron pin (Id: Polaris) set at an angle point therein;
- Course 7** Thence North  $65^{\circ}47'12''$  West, along the northerly line of said New Lot 5A, 75.88 feet to a 5/8-inch iron pin (Id: Polaris) set therein and being the most southerly corner of deed parcel 1 of land conveyed to Canal Road Partners by deed recorded as AFN 200108011336 of Cuyahoga County Records (PPN 029-38-004);
- Course 8** Thence North  $83^{\circ}53'42''$  East, along the southerly line of said deed parcel 1 of Canal Road Partners, 290.43 feet to a 5/8-inch iron pin (Id: Polaris) set at the southeasterly corner thereof, and being the southwesterly corner of parcel 2 of said Canal Road Partners (PPN 029-04-001);
- Course 9** Thence South  $76^{\circ}21'18''$  East, along the southerly line of said deed parcel 2 of Canal Road Partners, 571.97 feet to a 5/8-inch iron pin (Id: Polaris) set at a point of non-tangent curvature;
- Course 10** Thence southeasterly, 85.17 feet along the arc of a curve in the southerly line of said deed parcel 2 of Canal Road Partners, deflecting to the right and having a radius of 42.50 feet, a delta of  $114^{\circ}49'15''$  and a chord of 71.62 feet bearing South  $59^{\circ}10'58''$  East to the principal place of beginning, and containing 1.9993 acres of land (87,0914 square feet) per survey performed in February, 2019 by Michael P. Spellacy, P.S. 8169 of Polaris Engineering and Surveying, subject to all legal highways and easements of record. The bearings used herein are based on the Ohio Coordinate System of 1983, North Zone, 1986 adjustment, and all iron pins set are 5/8-inch diameter by 30-inch long rebar with identification caps stamped "Polaris S-7087". The intent of this instrument is to provide a current legal description for PPN 029-07-053 and 029-07-054.

**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 CRP at a price not less than the appraised value, 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 CRP 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 June 3, 2019.**

**Effective June 5, 2019.**