

**Ordinance No. 512-2019**

**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 northeast corner of East 93<sup>rd</sup> Street and Chester Avenue to The Cleveland Clinic Foundation, or its designee, for purposes of constructing a dental clinic.**

**WHEREAS**, the Director of Capital Projects has requested the sale of the City-owned property to The Cleveland Clinic Foundation, or its designee (the “Redeveloper”) no longer needed for the City’s public use and located at the northeast corner of East 93<sup>rd</sup> Street and Chester Avenue for purposes of constructing a dental clinic; 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:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original One Hundred Acre Lot No. 401 and is further bounded and described as follows:

Beginning at a stone monument found on the centerline of Chester Avenue (Width Varies) and a distance of 29.59 feet Easterly from the centerline East 93<sup>rd</sup> Street (60 Feet Wide);

Thence North 00°36’52” East, a distance of 43.01 feet to the intersection of the Easterly right of way of said East 93<sup>rd</sup> Street and the Northerly right of way of said Chester Avenue;

Thence North 00°02’28” East, along the Easterly right of way of said East 93<sup>rd</sup> Street, a distance of 10.00 feet to the principal place of beginning;

Course 1 Thence North 00°02’28” East, continuing along the Easterly right of way of said East 93<sup>rd</sup> Street, a distance of 3.16 feet to a 5/8” iron pin set at the Southwesterly corner of a parcel of land owned by the Cleveland Clinic Foundation as shown in recorded plat in Volume 318 of Maps, Page 52 of Cuyahoga County Records;

- Course 2 Thence North 89°49'28" East, along the Southerly line of said Cleveland Clinic Foundation parcel, a distance of 160.00 feet to a 5/8" iron pin set on the Westerly line of a P.P.N. 119-08-085 and conveyed to Cleveland Clinic Foundation by A.F.N. 201705090015 of Cuyahoga County Records;
- Course 3 Thence South 00°02'28" West, along the Westerly line of said P.P.N. 119-08-085 a Cleveland Clinic Foundation parcel, a distance of 18.38 feet to a capped 5/8" iron pin (#7513) found at the Southwesterly corner of said P.P.N. 119-08-085 a Cleveland Clinic Foundation parcel and a point on the Northerly right of way of said Chester Avenue;
- Course 4 Thence North 88°18'25" West, along the Northerly right of way of said Chester Avenue, a distance of 12.07 feet;
- Course 5 Thence North 81°12'36" West, a distance of 80.91 feet;
- Course 6 Thence North 88°18'25" West, a distance of 68.00 feet to the principal place of beginning and containing 0.0331 Acre (1,443 S.F.) of land according to a survey made by Steven J. Metcalf Registered Surveyor No. 8622-Ohio in July 12, 2016.

Be the same more or less, but subject to all legal highways and easements of record.

Monuments described as "5/8" iron pin set" are 5/8" x 30" rebar capped "Neff & Assoc.-8622.

**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 than the appraised value of \$38,947, 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 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 Director of Capital Projects is authorized to execute any documents as may be necessary to effectuate the purposes of this ordinance.

**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.

**Passed July 24, 2019.**

**Effective July 26, 2019.**