

Ordinance No. 746-2019**Council Member:** Zone

An emergency ordinance to amend the title and Section 1 of Ordinance No. 999-14, passed August 20, 2014; and to supplement the ordinance by adding new Sections 4a., 4b., 4c., and 4d., to add the sale of property, relating to the public improvement of reconstructing West 73rd Street.

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 the title and Section 1 of Ordinance No. 999-14, passed August 20, 2014, are amended to read as follows:

An Emergency Ordinance determining the method of making the public improvement of reconstructing West 73rd Street and ~~Father Frascati Drive~~ extending Battery Park Avenue between West 73rd Street and West 70th Street, including streetscape improvements on West 70th Street; authorizing the Director of Capital Projects to enter into one or more public improvement contracts for the making of the improvement; authorizing one or more contracts with C.W. Courtney Company to design the improvement; authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located northwest of West 73rd Street and Father Frascati Drive to Battery Park Development LLC for future redevelopment; authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property; authorizing the Director to apply for and accept gifts and grants from any public or private entity, to accept cash contributions, and to enter into any agreements to implement the improvement.

Section 1. That, under Section 167 of the Charter and the City of Cleveland, this Council determines to make the public improvement of reconstructing West 73rd Street from Detroit Avenue to Father Frascati Drive and ~~Father Frascati Drive~~ Battery Park Avenue from West 73rd Street to West 70th Street, including streetscape improvements on West 70th Street (the "Improvement"), for the Department of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 2. That the existing title and Section 1 of Ordinance No. 999-14, passed August 20, 2014, are repealed.

Section 3. That Ordinance No. 999-14, passed August 20, 2014, is supplemented by adding new Sections 4a., 4b., 4c., and 4d., to read as follows:

Section 4a. 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 A 0.0654 ACRE
RESIDUAL PARCEL ALONG WEST 73RD STREET
TO BE SOLD BY THE CITY OF CLEVELAND
TO BATTERY PARK DEVELOPMENT LLC

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot Numbers 30 and 31 and further bounded and described as follows:

Beginning at an iron pin monument marking the centerline intersection of Father Frascati Avenue (variable width) and West 73rd Street (50 feet wide);

Thence N 00°33'18" E, along said centerline of West 73rd Street, a distance of 30.11 feet to its point of intersection with the extension of the northerly line of said Father Frascati Avenue;

Thence S 89°58'42" W, along said extension of the northerly line of Father Frascati Avenue, a distance of 25.00 feet to its point of intersection with the westerly line of said West 73rd Street, said point being the principal point of beginning of the premises herein intended to be described;

Course No. 1: Thence continuing S 89°58'42" W, along the said northerly line of Father Frascati Avenue a distance of 23.00 feet to a point;

Course No. 2: Thence N 00°33'18" E, parallel with the said westerly line of West 73rd Street, a distance of 91.52 feet to a point;

Course No. 3: Thence N 20°02'31"E, a distance of 68.94 feet to a point on the westerly line of West 73rd Street vacated by City of Cleveland Ordinance 706-15, passed July 22, 2015;

Course No. 4: Thence S 00°33'18"W along said westerly line of West 73rd Street, a distance of 156.28 feet to the principal point of beginning and containing 0.0654 acre of land as described by John E. Jansky, Registered Surveyor Number 6640 of The C. W. Courtney Company, in June 2014, be the same or less, but subjected to all legal highways.

Bearings used herein are based on assumed meridian and are used to indicate angles only.

Section 4b. 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 Battery Park Development LLC (the “Redeveloper”) at a price not less than the appraised value of \$86,655, which is determined to be fair market value.

Section 4c. 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 4d. That the Director of Capital Projects is authorized to execute any documents as may be necessary to effectuate the purposes of this ordinance.

Section 4. 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.