

Ordinance No. 1027-2021

By Council Members **B. Jones, Bishop, Brancatelli and Kelley** (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Mayor and the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 8555 Hough Avenue to Hanna Brothers I LLC; to execute a deed of easement granting Hanna Brothers I LLC certain easement rights in property for ingress and egress purposes; and declaring that the easement and property rights are no needed for the City's public use.

WHEREAS, the Director of Public Works has requested the sale of the City-owned property located at 8555 Hough Avenue and known as the Hough Multi-Purpose Center (the "Property") to Hanna Brothers I LLC ("Hanna") for purposes of future redevelopment; and

WHEREAS, in addition to the sale of the Property, Hanna has requested the Director of Public Works to convey certain permanent easement rights for ingress and egress purposes to the driveway at the rear of the Property; and

WHEREAS, both the Property and the driveway access easement are not needed for the City's public use; 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 Property is no longer needed for the City's use and is further described as follows:

LEGAL DESCRIPTION
Parcel A
8555 Hough Avenue, Cleveland, Ohio

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, being part of Original East Cleveland Township Original One Hundred Acre Lot No. 391, part of Sublot Nos. 22, 25 and 26 and all of Sublot Nos. 23 and 24 in T.M. Irvine's Re-Allotment as recorded in Volume 8, Page 20 of Cuyahoga County Map Records, part of Sublot 1 of Louis J. Robert's Subdivision as recorded in Volume 25, Page 25 of Cuyahoga County Map Records, all of Parcel 2 of Lot Split and Consolidation for Ministerial Day Care as recorded in Volume 283, Page 34 of Cuyahoga County Map Records, part of Vacated East 85th Street vacated in Ordinance 1252-70 and Ordinance 910-71, all of a parcel of land now or formerly owned by the City of Cleveland as recorded in Volume 12576, Page 181 of Cuyahoga County Deed Records, all of parcel of land now or formerly owned by the City of Cleveland as recorded in Volume 12576, Page 185 of Cuyahoga County Deed Records, all of a parcel of land now or formerly owned by the City of Cleveland as recorded in Volume 12576, Page 729 of Cuyahoga County Deed Records, all of a parcel of land now or formerly owned by the City of Cleveland as recorded in Volume 12354, Page 271 of Cuyahoga County Deed Records, all of parcel of land now or formerly owned by the City of Cleveland as recorded in Volume 12508, Page 99 of Cuyahoga County Deed Records, all of a parcel of land now or formerly owned by the City of Cleveland as recorded in Volume 12379, Page 445 of Cuyahoga County Deed Records, all of a parcel of land now or formerly owned by the City of Cleveland as recorded in Volume 12576, Page 917 of Cuyahoga County Deed Records, all of a parcel of land now or formerly owned by the City of Cleveland Land Reutilization

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Program as recorded in Volume 94-4098, Page 3 of Cuyahoga County Deed Records, part of a parcel of land now or formerly owned by the City of Cleveland as recorded in Volume 12349, Page 41 of Cuyahoga County Deed Records, part of a parcel of land now or formerly owned by the City of Cleveland, a Municipal Corporation as recorded in Volume 12362, Page 41 of Cuyahoga County Deed Records and being more completely described as follows:

Commencing at a 5/8-inch rebar in a monument box found at the centerline intersection of Hough Avenue (66 feet wide) and Crawford Road (60 feet wide); thence South 88° 39' 47" West, along the centerline of said Hough Avenue, 88.61 feet to the easterly line of said Original Lot 391 and the vacated centerline of vacated East 86th Street (60 feet wide) vacated in Ordinance No. 910-71; thence North 00° 57' 08" West, along the easterly line of said Original Lot 391 and the vacated centerline of said East 86th Street, 33.00 feet to the northerly right-of-way of said Hough Avenue; thence South 88° 39' 47" West, along the northerly right-of-way of said Hough Avenue, 39.66 feet to the southwesterly corner of Cuyahoga County Parcel Number 106-23-038, and being the PLACE OF BEGINNING for the parcel herein described;

Course No. 1: thence South 88° 39' 47" West, along the northerly right-of-way line of said Hough Avenue, 347.75 feet to a southeasterly corner of Parcel 1 of Lot Split and Consolidation Plat for Ministerial Day Care as recorded in Volume 283, Page 34 of Cuyahoga County Map Records, as witnessed by a 5/8-inch rebar found South 00° 40' 20" West 0.24 feet;

Course No. 2: thence North 00° 40' 20" East, along an easterly line of said Parcel 1, 50.30 feet to a 5/8-inch rebar with an identification cap stamped "BKJ 7343";

Course No. 3: thence North 88° 39' 47" East, along a southerly line of said Parcel 1, 127.86 feet to an iron pin set on the centerline of vacated East 85th Street (34 feet wide) vacated in Ordinance No. 1252-70;

Course No. 4: thence North 00° 48' 28" East, along the centerline of said vacated East 85th Street, 149.95 feet to an iron pin set on the centerline of East 85th Street (34 feet wide);

Course No. 5: thence South 89° 11' 32" East, 17.00 feet to an iron pin set on the easterly right-of-way of said East 85th Street and the southwesterly corner of a parcel of land now or formerly owned by the City of Cleveland Land Reutilization Program as recorded in Volume 94-4098 of Cuyahoga County Deed Records;

Course No. 6: thence North 00° 48' 28" East, along the easterly right-of-way of said East 85th Street, 5.00 feet to an iron pin set on the southwesterly corner of a parcel of land now or formerly owned by Inez Kincaid, as recorded in AFN 201910240314 of Cuyahoga County Deed Records;

Course No. 7: thence North 88° 39' 47" East, along the southerly line of said Kincaid parcel, 100.00 feet to an iron pin set on the westerly line of a parcel of land now or formerly owned by the City of Cleveland as recorded in Volume 11648, Page 163 and Volume 11648, page 167 of Cuyahoga County Deed Records;

Course No. 8: thence South 00° 48' 28" West, along the westerly line of said City of Cleveland parcel 5.00 feet to an iron pin set on the southerly line of Sublot 26 of said T.M. Irvine's Re-Allotment;

Course No. 9: thence North 88° 39' 47" East, along the southerly line of said Sublot 26, 94.64 feet to an iron pin set;

Course No. 10: thence South 01° 35' 36" East, 199.48 feet to the PLACE OF BEGINNING, and containing 1.1474 acres of land, more or less, but subject to all highways, easement, and covenants, of legal record, as surveyed in November, 2021, by Kyle R. Danals, Registered Professional Land Surveyor No. 8704 on behalf of McSteen Land Surveyors, under Project No. 21-239.

Bearings are based on the Ohio State Plane Coordinates System, North Zone(3401), NAD83 (2011), 2010.0 Epoch, as derived from GNSS Observations per the ODOT CORS/VRS Real Time Network. Distances are given in feet and decimal parts thereof. All iron pins shown as set are 30" long 5/8" rebar with an identification cap stamped "McSTEEN CA 02236".

Section 2. That the Property conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor and the Commissioner of Purchases and Supplies on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by

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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 3. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the driveway access easement interest in the following described property is not needed for the City's use:

LEGAL DESCRIPTION
Driveway Access Easement
8555 Hough Avenue, Cleveland, Ohio

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, being part of Original East Cleveland Township Original One Hundred Acre Lot No. 391 and Original One Hundred Acre Lot No. 392, part of Sublot Nos. 22 and 25 in T.M. Irvine's Re-Allotment as recorded in Volume 8, Page 20 of Cuyahoga County Map Records, part of Vacated East 86th Street vacated in Ordinance No. 910-71, part of a parcel of land now or formerly owned by the City of Cleveland, a Municipal Corporation as recorded in Volume 12362, Page 41 of Cuyahoga County Deed Records, part of a parcel of land now or formerly owned by the City of Cleveland as recorded in Volume 12349, Page 41 of Cuyahoga County Deed Records, part of a parcel of land now or formerly owned by the City of Cleveland as recorded in Volume 11613, Page 77 of Cuyahoga County Deed Records, and part of a parcel of land now or formerly owned by the City of Cleveland as recorded in Volume 13164, Page 29 of Cuyahoga County Deed Records and being more completely described as follows:

Commencing at a 5/8-inch rebar in a monument box found at the centerline intersection of Hough Avenue (66 feet wide) and Crawford Road (60 feet wide); thence South 88° 39' 47" West, along the centerline of said Hough Avenue, 88.61 feet to the easterly line of said Original Lot 391 and the vacated centerline of vacated East 86th Street (60 feet wide) vacated in Ordinance No. 910-71 ; thence North 00° 57' 08" West, along the easterly line of said Original Lot 391 and the vacated centerline of said vacated East 86th, Street, 33.00 feet to the northerly right-of-way of said Hough Avenue and being the PLACE OF BEGINNING for the parcel herein described;

Course No. 1: thence South 88° 39' 47" West, along the northerly right-of-way of said Hough Avenue, 39.66 feet to an iron pin set;

Course No. 2: thence North 01° 35' 36" West, 199.48 feet to an iron pin set on the northerly line of Sublot 25 of said T.M. Irvine's Re-Allotment;

Course No. 3: thence North 88° 39' 47" East, along the northerly line of said Sublot 25, 11.89 feet;

Course No. 4: thence North 89° 02' 52" East, 31.53 feet;

Course No. 5: thence South 20° 43' 53" East, 39.35 feet;

Course No. 6: thence South 01° 02' 57" East, 162.15 feet, to the northerly right-of-way of said Hough Avenue;

Course No. 6: thence South 88° 39' 47" West, along the northerly right of said Hough Avenue, 15.12 feet, to the PLACE OF BEGINNING, containing 0.2494 acres of land, more or less, and being subject to all highways, easements, and covenants of legal record, as written in November 2021, by Kyle R. Danals, Registered Professional Land Surveyor No. 8704, based on a survey dated November 2021 by Kyle R. Danals, Registered Professional Land Surveyor No. 8704 on behalf of McSteen Land Surveyors, under Project No. 21-239.

Bearings are based on the Ohio State Plane Coordinates System, North Zone(3401), NAD83 (2011), 2010.0 Epoch, as derived from GNSS Observations per the ODOT CORS/VRS Real Time Network. Distances are given in feet and decimal parts thereof. All iron pins shown as set are 30" long 5/8" rebar with an identification cap stamped "McSTEEN CA 02236".

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Section 4. That the driveway access easement shall be non-exclusive and the purpose of the driveway access easement is to allow Hanna ingress and access to the driveway at the rear of the Property.

Section 5. That the duration of the driveway access easement shall be perpetual; that the driveway access easement shall include unrestricted right-of-entry rights and use by the City and its invitees; that the driveway access easement shall not be assignable without the consent of the Director of Public Works; that the driveway access easement shall require that Hanna provide reasonable insurance, and pay any applicable taxes and assessments.

Section 6. That the driveway access easement conveyance referred to in this ordinance shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The deed of easement shall contain any additional terms and conditions as are required to protect the interest of the City.

Section 7. That by and at the direction of the Board of Control, the Mayor and the Commissioner of Purchases and Supplies, as applicable, are authorized to convey the Property and the driveway access easement at a combined appraised price of \$410,000 which is determined to be fair market value, taking into consideration restrictions on the conveyances authorized in this ordinance.

Section 8. That the Directors of Public Works and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effectuate the real estate transactions authorized in this ordinance.

Section 9. 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.

LW:nl
11-15-2021
FOR: Director Cox

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By Council Members B. Jones, Bishop, Brancatelli and Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Mayor and the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 8555 Hough Avenue to Hanna Brothers I LLC; to execute a deed of easement granting Hanna Brothers I LLC certain easement rights in property for ingress and egress purposes; and declaring that the easement and property rights are no needed for the City's public use.

READ FIRST TIME on NOVEMBER 15, 2021
and referred to DIRECTORS of Public Works,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **108** Page _____

Published in the City Record _____

REPORT
after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

