

Ordinance No. 1036-2021

**By Council Members McCormack,
Brancatelli and Kelley (by departmental
request)**

AN EMERGENCY ORDINANCE

Authorizing the Mayor and the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by Vispiri Flats LLC, or its designee, located at 601 Stones Levee Road for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code for the Cleveland Whiskey Project.

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, the Mayor and the Commissioner of Purchases and Supplies are authorized to acquire from and re-convey to, Vispiri Flats LLC, or its designee, for a nominal consideration of one dollar and other valuable consideration determined to be fair market value, the following property for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code. The Real Property is more fully described below and as may subsequently be replatted, re-numbered, or revised:

Legal Description

PPN 122-20-014

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a portion of Sublot Nos. 433 through 459 as shown in S.S. Stone's Survey of Central Tract recorded in Volume 2 of Maps, Page 31 of the Cuyahoga County Map Records, together with a portion West 6th Street (formerly Toronto Street), 50 feet wide, vacated per City Ordinance No. 23912-A, all being part of Original Cleveland Township 100 Acre Lot No. 487 and Two Acres Lot Nos. 218,219 and 220, being more fully bounded and described as follows:

Beginning at a Stone found at the centerline intersection of West 3rd Street (formerly Central Way), 70 feet wide, and Stone Levee, 70 feet wide, thence South 46°37'46" West along the centerline of said Stone Levee, a distance of 295.71 feet to an angle point, thence continuing along said centerline South 41°18'58" West, a distance of 211.80 feet to a found stone in a monument box assembly, being river stone #116, at an angle point, thence South 54°51'00" East, a distance of 35.20 feet to an angle point in the southerly right of way of said Stones Levee being referenced by a found 5/8" rebar with cap "Hoy 7119", thence South 28°58'55" West along said southerly right of way, a distance of 55.86 feet to a set 5/8" x 30" rebar with cap "Langan", said point also being the Principal Place of Beginning for the parcel of land herein described;

Course No.1, thence South 34°32'28" East along a southwesterly line of said vacated West 6th Street, a distance of 390.91 feet to a set 5/8" x 30" rebar with cap "Langan" set at an angle point thereon;

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Course No.2 thence North 55°25'56" East along a new division line, a distance of 31.15 feet to a set 5/8" x 30" rebar with cap "Langan" at a westerly corner of Cuyahoga County parcel 122-20012 now or formerly owned by Allied Corporation Inc. as recorded in AFN 201405080352 of the Cuyahoga county records;

Course No.3, thence South 34°34'04" East along a Southwesterly line of said Allied land, a distance of 126.34 feet to a set 5/8" x 30" rebar with cap "Langan" at an angle point thereon;

Course No.4, thence South 55°25'56" West along a Northwesterly line of said Allied land, a distance of 107.46 feet to a point of cusp along a Northeasterly line of Cuyahoga County parcel 122-20-011 now or formerly owned by Mid-Continent Coal and Coke Company as recorded in Volume 14802, Page 291 of the Cuyahoga County records, being referenced by a set 5/8" x 30" rebar with cap "Langan";

Course No.5 thence along a Northeasterly line of said Mid-Continent land and along the arc of a curve deflecting to the right, a distance of 9.09 feet to a set 5/8" x 30" rebar with cap "Langan", said curve having a radius of 3809.83 feet, a delta of 0°08'12", and a chord distance of 9.09 feet bearing North 34°36'43" West;

Course No.6 thence North 34°32'36" West along a Northeasterly line of said Mid-Continent land, a distance of 470.20 feet to the Southeasterly right of way of said Stones Levee, said point being referenced by a P.K. nail found 0.24 feet east and 0.08 feet South thereof;

Course No.7 thence North 28°58'55" East along the Southeasterly right of way of said Stones Levee, a distance of 85.22 feet to a point, said point also being the Principal Place of Beginning, said parcel containing 0.9629 acres, 41,944 square feet of land according to a survey by Anthony L. Maione, P.S., Registered surveyor No. 8544, of Langan Engineering and Environmental Services dated October 2016 and being the same more or less and being subject to all legal highways and easements.

The above described premises further known as Parcel "B" in Lot Split & Consolidation Plat made for Flats South Cleveland LLC as shown by the recorded plat filed August 27, 2020 in/as Instrument No. 202008270095 of Cuyahoga County Records.

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the property and to employ and to cause Vispiri Flats LLC, or its designee, to pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition and sale of the property.

Section 3. That this Council finds the conveyances are in compliance with Section 5709.41(B)(1) of the Revised Code and the proposed improvements constitute and are declared a public purpose under said section and the subject property is located

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in a blighted area of an impacted City as required by Section 5709.41 of the Revised Code.

Section 4. That the 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.

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.

SMA:nl
11-15-2021
FOR: Interim Director Ebersole

