

ORDINANCE NO. 019-2023(PD), *Second Reading*

By Mayor Seren

An Ordinance authorizing a First Amendment to the development agreement with F&C Development, Inc. concerning the Cedar-Lee-Meadowbrook project, and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, by Ordinance 154-2021, adopted December 6, 2021, this Council authorized a Development Agreement with F&C Development, Inc.; and

WHEREAS, the Development Agreement provides for the possibility that certain Added Property might be acquired for the Development and, if so, for certain City costs associated with the acquisition of such Added Property to be reimbursed by the Developer and included as part of the cost of the Development pursuant to the terms of an Added Property Plan (the “Added Property Plan”) to be included as part of the Development Agreement; and

WHEREAS, Added Property was acquired and on November 21, 2022 this Council adopted Ordinance 148-2022, authorizing a first amendment to the Development Agreement to incorporate an Added Property Plan calling for a payment of \$725,000 to the City by the Developer at closing; and

WHEREAS, since November 21, 2022, the Developer and the City have discussed changes in the timing of the reimbursement payments to the City and as a result have not executed the first amendment to the Development Agreement that was authorized by Ordinance 148-2022; rather, the parties have agreed upon a revised schedule of payments which is reflected in the Added Property Plan included in the First Amendment to Development Agreement attached hereto as Exhibit A.

BE IT ORDAINED by the Council of the City of Cleveland Heights, that:

SECTION 1. The First Amendment to the Development Agreement, making the Added Property Plan an exhibit to the Development Agreement (the “First Amendment”), substantially in the form attached to this Ordinance as Exhibit A, and making related changes to the Development Agreement, is hereby approved and authorized and the Mayor, for and in the name of the City, is hereby authorized to execute the First Amendment with the final language of the amendment subject to the approval of the Director of Law.

SECTION 2. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. It is necessary that this Ordinance become immediately effective as an emergency measure necessary for the preservation of public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for the Cedar-Lee-Meadowbrook project to move forward and for construction to commence at the earliest possible

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date. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.



MELODY JOY HART
President of Council



ADDIE BALESTER
Clerk of Council

PASSED: 02/13/2023

Presented to Mayor: 02/14/2023

Approved by Mayor: 02/14/2023



KAHLIL SEREN
Mayor