

Proposed: 11/06/2023

ORDINANCE NO. 181-2023 (PD), *First Reading*

By Councilmember Mattox

An Ordinance authorizing the Mayor to execute a second amendment to an agreement for the sale of certain real property located at 2228 Noble Road (primary address) consisting of several contiguous parcels; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City is the owner of approximately 2.08 acres of property located at or in the vicinity of 2228 Noble Road, 890 Woodview Road, 870 Woodview Road, 868 Woodview Road, and 860 Woodview Road, Permanent Parcel Nos. 681-38-080, 681-38-012, 681-38-010, 681-38-009, 681-38-008, 681-06-004, and 681-06-121 in the City of Cleveland Heights (the "Property"); and

WHEREAS, TWG Development, LLC ("TWG"), an Indiana limited liability company, is interested in the potential purchase of said property for the construction of an affordable-housing residential development; and

WHEREAS, by Ordinance No. 180-2022, this Council indicated its desire to grant an interest in the Property to TWG sufficient to allow TWG to submit applications and/or otherwise explore tax credits and other funding sources for its desired project; with the understanding that no property transfer will occur until the City and TWG enter into a development agreement satisfactory to both parties; and

WHEREAS, the parties subsequently entered into a purchase agreement and amendment for the sale of the Property, contingent upon the execution of a development agreement satisfactory to both parties; and

WHEREAS, TWG was subsequently awarded tax credits for a low/moderate-income housing project on the Property; and

WHEREAS, the City and TWG could not agree on a development plan was satisfactory to both parties; and

WHEREAS, TWG wishes to partner with Start Right Community Development Corporation to explore further options for development on this Property; and

WHEREAS, this Council has determined that it is in the best interest of the City and its residents to proceed with the execution of a second amendment to a development agreement, with the understanding that no sale of the property will occur unless a development agreement satisfactory to this Council and the Administration is negotiated.

ORDINANCE NO. 181-2023(PD)

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

SECTION 1. The Mayor is hereby authorized to execute a second amendment to a purchase agreement with TWG Development, LLC for the sale of certain real property located at located in the vicinity of Noble Road and Woodview Road identified as Permanent Parcel Nos. 681-38-080, 681-38-012, 681-38-010, 681-38-009, 681-06-004, 681-06-121, and 681-38-008 (the "Property"). The second amendment shall extend the time for execution of a mutually-acceptable development agreement until June 1, 2024. Any such development agreement remains subject to the approval of this Council. The Mayor is further authorized to extend the deadline by an additional (90) ninety days beyond June 1, 2024 without need of further Council action, if such extension is requested by TWG and is, in the judgment of the Mayor, in the best interests of the City.

SECTION 2. Documents implementing the above transaction shall be approved as to form by and subject to the final approval of the Director of Law.

SECTION 3. 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 4. It is necessary that this Ordinance become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to explore development options for the Property on a timely basis. 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 immediate effect and be 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 BALESTAR
Clerk of Council

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PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor