

ORDINANCE NO. 080-2024(PD), *Second Reading*

By Mayor Seren

An Ordinance authorizing the Mayor to enter into a Development Agreement with TWG Development, LLC for the construction of a residential development at 2228 Noble Road (several parcels); and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City is the owner of approximately two (2) acres of real property located at or in the vicinity of 2228 Noble Road, 890 Woodview Road, 870 Woodview Road, 868 Woodview Road and 860 Woodview Road, further identified as Permanent Parcels No. 681-38-080, 681-38-012, 681-38-009, 681-38-008, 681-06-004 and 681-06-121 (hereafter the 'Property'); and

WHEREAS, TWG Development, LLC ("TWG") desires to purchase the Property for the construction of an affordable housing residential development (the "Development"); and

WHEREAS, pursuant to Resolution No. 180-2022, this Council authorized the Mayor to enter into a purchase agreement with TWG to allow TWG to explore tax credits and other funding sources for the potential construction of the Development, with said purchase agreement being subject to the negotiation and execution of a development agreement ("Development Agreement") satisfactory to both parties and approved by this Council; and

WHEREAS, on or about January 20, 2023, TWG and the City entered into an Agreement for the Purchase and Sale of Real Property, as amended by a First Amendment to Agreement for Purchase and Sale of Real Property dated May 19, 2023 (collectively the "Purchase Agreement" or "PSA"), whereby the City agreed to sell, and TWG agreed to purchase, the Property, the closing of which transaction is contingent upon the parties first entering into a Development Agreement for the development of the Property; further amended in November 2023 to extend the time for the parties to negotiate a Development Agreement; with a Third Amendment authorized on May __, 2024, to redefine the Property and adjust the price for the same; and

WHEREAS, the parties have negotiated a Development Agreement, with the proposed Development having obtained design approval by the City's Architectural Board of Review and approval by the Planning Commission and other review bodies, and approval of construction documents and Site Improvements, including streets, drives, walks, storm and sanitary sewers, and landscape plantings, by the City's Engineer and Building Officials; and

WHEREAS, this Council has determined that it is in the best interest of the City and its residents to move forward with the sale of the Property and the Development Agreement.

ORDINANCE NO. 080-2024(PD)

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

SECTION 1. It is hereby determined that the property owned by the City located on land situated in the vicinity of 2228 Noble Road, 890 Woodview Road, 870 Woodview Road, 868 Woodview Road, and 860 Woodview Road, further identified as Permanent Parcels No. 681-38-080, 681-38-012, 681-38-008, 681-06-004, and 681-06-121 is not needed for municipal/public purposes and it is in the best interest of the City and its residents to sell said property to TWG Development, LLC ("TWFG") for the construction and development of a fifty-two (52) unit affordable residential building to be known as the "Nobility Court Apartments" substantially in accordance with the terms and conditions of a draft Development Agreement attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. This Council hereby authorizes the Mayor to execute a Development Agreement with TWG and to sign any other related documents concerning the development of Nobility Court Apartments. The Development Agreement shall be substantially in accordance with the Development Agreement attached hereto as Exhibit "A".

SECTION 3. That the Development Agreement and any related documents shall be approved as to form by, and subject to the final approval of, the Director of Law.

SECTION 4. 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 5. It is necessary that this Ordinance become immediately effective as an emergency measure necessary for the preservation of the public health, safety, and welfare by securing affordable housing opportunities for the City's residents in a timely and equitable manner. 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 in force immediately upon its passage; otherwise, it shall take effect and be in force from the earliest time allowed by law.



TONY CUD
President of Council



ADDIE BALESTER
Clerk of Council

PASSED: May 20, 2024

Presented to Mayor: 05/22/2024

Approved: 05/28/2024



KAHLIL SEREN
Mayor