

CLEVELAND PUBLIC LIBRARY

Special Board Meeting

February 22, 2022

RESOLUTION AUTHORIZING TRANSFER OF CPL-2 PARCEL

WHEREAS, On August 29, 2016 the Board of Library Trustees authorized the Library to enter into a Development Agreement for the construction and relocation of the New Martin Luther King, Jr. branch; and

WHEREAS On September 16, 2021, the Board of Library Trustees authorized the Library to enter into an Amendment and Restatement of Certain Provisions of Development Agreement (the "Amendment") with the developer undertaking the construction and relocation of the New Martin Luther King, Jr. branch; and

WHEREAS, The Amendment provides that the Library will execute a subdivision plat that will subdivide the parcel on which the current MLK branch sits into two separate parcels, with one parcel consisting of the current branch and the handicap parking immediately behind it ("CPL-1") and the other consisting of the remainder of the parking lot ("CPL-2"). A copy of the proposed plat showing the subdivision of the two parcels is attached to this Resolution as Exhibit "A;" and

WHEREAS, The Amendment further provides that the Library will transfer CPL-2 to the developer by March 15, 2022. After the transfer, the Library will continue to own CPL-1 until construction of the new MLK branch is complete and the Library has moved out of the current MLK branch, and Library patrons will have access to the newly-constructed temporary parking located across Stokes Boulevard from the current MLK branch; and

WHEREAS, The early transfer of CPL-2 is necessary for the developer to begin construction of the parking garage where patrons of the new MLK branch and residents of the lofts apartments will park so that the garage will be complete when the new library opens; and

WHEREAS, Because the early transfer of real property to the developer is a significant departure from the Development Agreement, the Amendment contains several additional safeguards for the Library including a deposit of cash from the developer in lieu of a letter of credit, a mortgage in favor of the Library on the land where the new branch will be built, and both a completion guaranty and payment and performance bond for the substructure and superstructure of the new library and apartment tower; now therefore be it

EXHIBIT 1

RESOLVED, That the Board of Trustees of the Cleveland Public Library, pursuant to the authority set forth in R.C. § 3375.33, hereby approves and authorizes the transfer from Cleveland Public Library to UC City Center LLC of the CPL-2 parcel depicted in Exhibit "A" to this Resolution and authorizes the President and Secretary of this Board to execute a Limited Warranty Deed transferring title of CPL-2 to UC City Center LLC; and be it further

RESOLVED, That this Board authorizes the Executive Director, CEO to execute such other instruments and agreements as are necessary to effectuate the terms of this Resolution, which instruments and agreements shall be subject to the approval of the Library's Director of Legal Affairs.

Exhibit "A"

THE INTENT OF THIS PLAT IS TO SPLIT PERMANENT PARCEL No. 118-20-017 INTO PARCELS CPL-1" AND "CPL-2".

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and as being part of Sublot No. 2 in L.L. Benton's Subdivision of part of Original One Hundred Acre Lot No. 402, as shown by the recorded plat in Volume 7 of Maps, Page 32 of Cuyahoga County Records.

This Lot Split Plat is accepted and approved by the Planning Director of the City of Cleveland, Ohio, this ____ day of _____, 20 ____.

Freddy Collier, Planning Director

This Lot Split Plat is accepted and approved by the Platting Commissioner of the City of Cleveland, Ohio, this ____ day of _____, 20 ____.

Richard Switaski, Platting Commissioner

OWNERS ACCEPTANCE

I, _____, representative of BOARD OF TRUSTEES OF THE CLEVELAND PUBLIC LIBRARY, Being owner of the lands shown hereon, do hereby accept this Lot Split Plat of the same.

BOARD OF TRUSTEES OF THE CLEVELAND PUBLIC LIBRARY

By: _____ Representative _____ Title _____

Print Name _____

NOTARY

County of _____ State of _____ SS

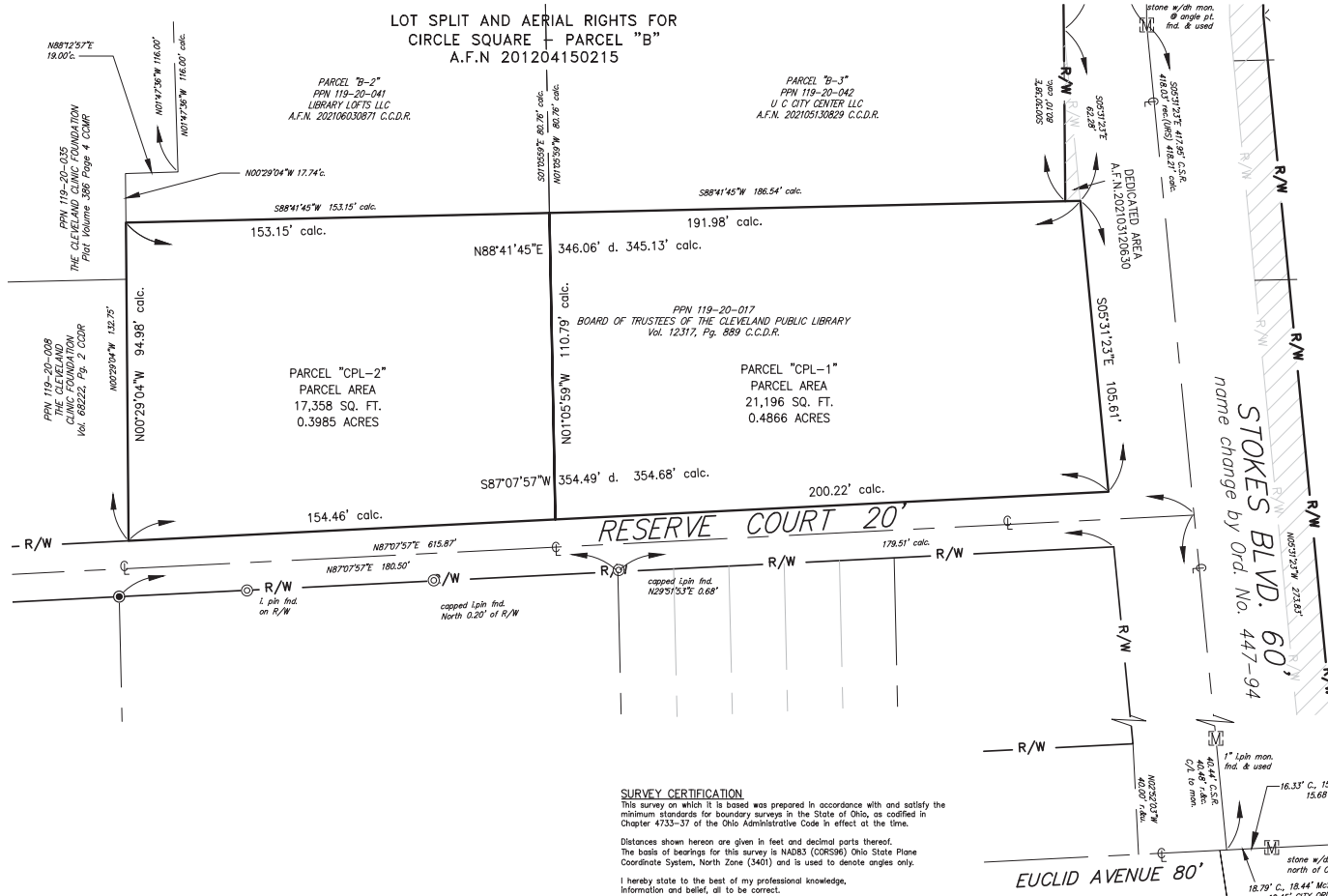
Before me, a Notary Public in and for said County and State, personally appeared _____

_____ of BOARD OF TRUSTEES OF THE CLEVELAND PUBLIC LIBRARY, Being owner of the lands shown hereon, who acknowledged the signing of the foregoing instrument to be their free act and deed personally and as said Officer, the free act and deed of said company.

In witness whereof, I have hereunto set my hand and official seal at _____, Ohio this ____ day of ____ 20 ____.

Notary Public _____ Commission expiration _____

- Cobb - Bradley - Wick Subdivision Vol. 20, Page 4 C.C.M.R.
- The A.H. Wick Realty Company's Resubdivision Vol. 39, Page 6 C.C.M.R.
- Consolidation Plat for Kingston Properties Vol. 287, Page 17 C.C.M.R.
- Plat of Consolidation of Parcel R-1 and Parcel R-2 for 6200 Euclid Avenue, LLC Vol. 360, Page 29 C.C.M.R.
- Map of Lot Consolidation for the City of Cleveland Vol. 385, Page 8 C.C.M.R.
- Map of Lot Consolidation for University Hospital Health System Vol. 385, Page 9 C.C.M.R.
- City of Cleveland Survey Records on File (C.S.R.)
- Various Recorded Cuyahoga County Deeds & Documents of Record



SURVEY CERTIFICATION
This survey on which it is based was prepared in accordance with and satisfy the minimum standards for boundary surveys in the State of Ohio, as codified in Chapter 4733-37 of the Ohio Administrative Code in effect at the time.
Distances shown hereon are given in feet and decimal parts thereof.
The basis of bearings for this survey is NAD83 (GORS98) Ohio State Plane Coordinate System, North Zone (3401) and is used to denote angles only.
I hereby state to the best of my professional knowledge, information and belief, all to be correct.
Field work performed on August 31, 2018.

Steven J. Metcalf August 24, 2021
Registered Surveyor No. 8622-Ohio Date



ABBREVIATIONS
r, rec. record
f. found
d. deed
u. used
calc. calculated
obs. observed
mon. monument
Vol. Volume
Pg. Page
A.F.N. Automatic Filing No.
C.C.M.R. Cuyahoga Co. Map
C.C.D.R. Cuyahoga Co. Deed
P.P.N. Permanent Parcel No.
O.L. Original Lot

LEGEND:

- Drill Hole or Nail found as described
- ⊙ Iron Pin or Pipe found as described
- ⊕ Monument box and pin found as described
- ⊙ 5/8" x 30" Iron Pin w/ Cap marked Neff & Assoc.-8622 (Set or to be set)

REV NO	DATE	DESCRIPTION
1	08/24/21	Submit to Client
2		
3		
4		
5		
6		
7		
8		
9		
10		

DRG. NAME	DRAWN BY	CHECKED BY	JOB NO.
13880A-SP2	TEW	SJM	13880A



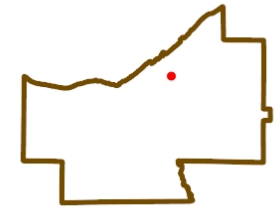
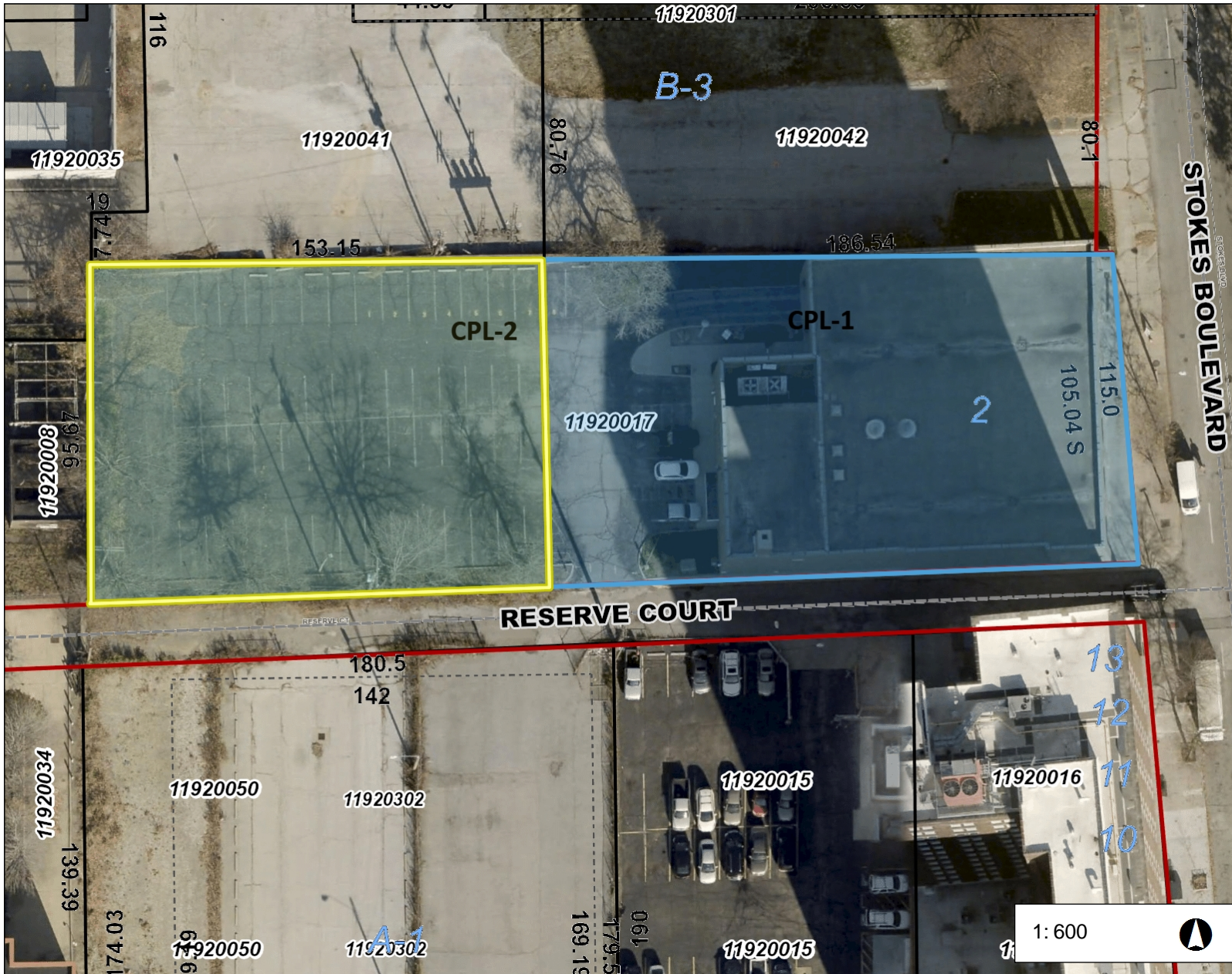
CIRCLE SQUARE - BOARD OF TRUSTEES OF THE CLEVELAND PUBLIC LIBRARY
LOT SPLIT PLAT
COUNTY OF CUYAHOGA STATE OF OHIO

NEFF & ASSOCIATES
Professional Surveyors
10075 Kirtland Avenue, Cleveland, Ohio 44130
216.763.8300
www.neffsurvey.com

SHEET NO.
1 OF 1



Approximate Parcel Boundaries - For Illustrative Purposes Only



Date Created: 2/17/2022

Legend

- Municipalities
- Right Of Way
- Platted Centerline
- Parcel

100 0 50 100 Feet

Projection:
WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION