

RESOLUTION NO. 154-2021 (PD), *Third Reading*

By Council Member Ungar

A Resolution authorizing the City Manager to enter into a Development Agreement with F&C Development, Inc. concerning the “Cedar-Lee Meadowbrook” development; and declaring an emergency.

WHEREAS, the City has identified the opportunity to develop the site known as “Cedar-Lee Meadowbrook,” located on land situated north of Meadowbrook Boulevard, east of Lee Road and south of Cedar Road, utilizing vacant land as well as parking facilities, specifically PPN 687-06-009, 678-06-010, 687-06-013, 687-06-088, 687-06-089, 687-06-090, 687-06-091, 687-06-092, 687-06-093, 687-06-094, 687-06-095, 687-06-096, 687-06-159, and 687-08-00; and

WHEREAS, pursuant to Resolution No. 99-2021, this Council authorized the City Manager to enter into a Memorandum of Understanding with F&C Development, Inc. and move forward with negotiation of a Development Agreement consistent therewith; and

WHEREAS, the terms of the original Memorandum of Understanding, which was executed on July 12, 2021, provided for a period of 60 days for the completion of certain due diligence and for the parties to enter into a Development Agreement; and

WHEREAS, on August 30, 2021, this Council adopted Resolution 118-2021, authorizing an amendment to the Memorandum of Understanding to allow an additional 60 days to enter into a Development Agreement; and

WHEREAS, on November 8, 2021, this Council adopted Resolution 137-2021, authorizing a second amendment to the Memorandum of Understanding to allow a further extension of 30 days, until December 9, 2021, for the parties to enter into a Development Agreement; and

WHEREAS, after extensive negotiations, the parties have reached a tentative agreement on the specific terms and conditions of a Development Agreement; and

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

NOW, THEREFORE, BE IT RESOLVED 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 north of Meadowbrook Boulevard, east of Lee Road and south of Cedar Road, PPN 687-06-009, 678-06-010, 687-06-013, 687-06-088, 687-06-089, 687-06-090, 687-06-091, 687-06-092, 687-06-093, 687-06-094, 687-06-095, 687-06-096, 687-06-159, and 687-08-00, commonly known

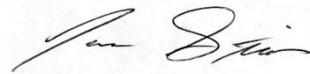
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and hereafter referred to as “Cedar-Lee Meadowbrook,” need not be retained by the City any longer for a public purpose.

SECTION 2. This Council hereby authorizes the City Manager to enter into a Development Agreement with F&C Development, Inc., and to sign any other related documents, concerning the development of Cedar-Lee Meadowbrook. The Development Agreement shall be substantially in accordance with the Development Agreement attached hereto as Exhibit A. 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 3. Notice of the passage of this Resolution 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. This Resolution is hereby declared to be an emergency measure immediately 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 enter into the above-referenced Development Agreement and facilitate the construction of the project at the earliest time possible. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution 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.



JASON S. STEIN
President of the Council



AMY HIMMELEIN
Clerk of Council

PASSED: December 6, 2021