

C O P Y

CITY OF CLEVELAND
DEPARTMENT OF LAW

November 26, 1940.

John F. Victory, Sec'y.,
National Advisory Committee for Aeronautics,
Navy Building,
Washington, D. C.

Dear Mr. Victory:-

In accordance with our telephone conversation last Saturday afternoon, I beg to report the situation as it now stands.

Last night the Council passed the ordinance in the form agreed upon in Washington. This morning the Board of Control held a special meeting and adopted the resolution in the form agreed upon in Washington. The Title Company has examined the Deed, approved its form and is holding the same for filing. Said company has issued its certificate that the original is being held for filing and that two true copies have been handed to me for transmission to you. The foregoing should complete all of the formal matters.

For transmission to the Department of Justice, you will need the following papers:

- 1 - Certified copy of Council Resolution No. 2003-40.
(You have this in your possession).
- 2 - Certified copy of Board of Control Resolution No. 1967-40,
together with waiver of notice of special meeting.
(These papers are in your possession).
- 3 - Preliminary Report of the Title Company showing title
good in the City of Cleveland. (You have two copies
of this report in your possession).
- 4 - Letter Report bringing said Preliminary Report up to date
and showing that there is no change in the condition of
the title since said Preliminary Report.
(Two signed copies thereof are enclosed herewith).
- 5 - Certified copy of Ordinance No. 2034-40, passed by the
Council on November 25, 1940.
(Three certified copies enclosed herewith).
- 6 - Certified copy of Board of Control Resolution No. 2005-40,
adopted at a special meeting held on November 26, 1940.
(Three certified copies of the resolution and signed copies
of the waiver of notice of the special meeting are enclosed
herewith).

John F. Victory, Sec'y.,
2.

November 26, 1940.

7. Copy of the official deed from the City to the United States of America.
(Two copies thereof, together with a certificate from the Title Company are enclosed herewith).

If you desire any other or additional copies of the foregoing or of any other documents, please call upon us for the same.

It has been a distinct pleasure to work with you during the last five weeks, and I hope that we shall have the pleasure of continuing our relations in the future.

Cordially yours,

/s/ Henry S. Brainard,
Director of Law.

HSB:IC.
Encl.

NOTE: Copy of letter to Mr. McDonald is enclosed.

H.S.B.

COPY

Nov. 16, 1940.

Mr. Victory:-

Mr. Brainard mislaid the original copy of the proposed Ordinance, but enclosed the copy thereof in Mr. McDonald's envelope.

/s/ Irene G. Cashman

AN EMERGENCY RESOLUTION

Authorizing and directing the Mayor to continue negotiations with and to grant an option to the United States of America for a site for a proposed Aeronautical Research Laboratory.

Mr. Waldenmaier, Finkle & Pucel:

WHEREAS, on or about the 21st day of August, 1939 this Council adopted Resolution No. 1460-39, authorizing the Mayor and the Commissioner of Airplane Landing "to take the necessary steps and to enlist the desired aid in presenting" to the National Advisory Committee for Aeronautics "the advantages offered by Cleveland" for the erection of the proposed Aeronautical Research Laboratory; and

WHEREAS, on or about the 21st day of October, 1940 this Council adopted Resolution No. 1859-40, specifically authorizing and directing the Mayor to enter into negotiations with and to grant an option or options to the United States of America for a site for a proposed Aeronautical Research Laboratory; and

WHEREAS, pursuant to the foregoing such negotiations have been conducted, and the terms and conditions heretofore authorized in Resolution No. 1859-40 are not wholly acceptable to the United States of America; and

WHEREAS, it is now desired to tender, under slightly changed conditions, a definite parcel of land to be considered by the United States of America as a site for such proposed laboratory, which parcel lies at the northwest corner of the Cleveland Municipal Airport, adjacent to the Rocky River Reservation of the Cleveland Metropolitan Park Board, is a part of the land acquired for the protection of the approaches to said Airport and contains approximately two hundred (200) acres; and

WHEREAS, because of the benefits which would inure to the City of Cleveland, its Municipal Airport and the community in general, the City desires to offer the specific parcel hereinafter described, at the nominal price of

Five Hundred Dollars (\$500.00) therefor; and

WHEREAS, this resolution constitutes an emergency in that the same provides for the immediate preservation of public property and safety and the usual daily operation of a municipal department; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Mayor be and he hereby is authorized and directed to negotiate further with the United States of America for purposes of securing the location of said proposed Aeronautical Research Laboratory on the site hereinafter described, and to do all things necessary and proper to attain this end.

Section 2. In furtherance of said purpose the Mayor is hereby authorized to grant, in consideration of One Dollar (\$1.00), an option to the United States of America to purchase the following described premises, to-wit:

Situated in the Village of Brookpark, County of Cuyahoga and State of Ohio and known as being parts of Lots Nos. 1 and 2 in Section No. 21, a part of Lot No. 1 in Section No. 22 and parts of Lots Nos. 5 and 6 in Section No. 20 in Original Middleburgh Township Lots and bounded and described as follows:-

Beginning on the Westerly line of said Lot No. 1, Section No. 22, at the Southwesterly corner of the parcel of land conveyed by L. Virginia Landphair to the City of Cleveland by deed recorded in Volume 3314, Page 499 of Cuyahoga County Records of Deeds; thence North $0^{\circ} 56' 18''$ East along the Westerly line of Lot No. 1, Section No. 22, and along the Westerly line of said Lot No. 2, Section No. 21, 1819.83 feet; thence North $0^{\circ} 00' 53''$ West 31.00 feet; thence South $45^{\circ} 50' 45''$ East 51.11 feet; thence South $82^{\circ} 50' 45''$ East 583.05 feet; thence North $6^{\circ} 48' 00''$ East 504.80 feet; thence South $58^{\circ} 19' 28''$ West 220.91 feet; thence North $87^{\circ} 34' 41''$ West 331.30 feet; thence North $46^{\circ} 42' 54''$ West 118.14 feet; thence North $11^{\circ} 13' 33''$ West 133.56 feet; thence North $60^{\circ} 36' 57''$ East 118.21 feet; thence North $7^{\circ} 32' 42''$ West 152.32 feet; thence North $27^{\circ} 29' 42''$

West 275.52 feet; to the Westerly line of said Lot No. 2, Section No. 21; thence North $0^{\circ} 00' 53''$ West along the Westerly line of said Lot No. 2, Section No. 21, 41.63 feet; thence North $86^{\circ} 57' 34''$ East 237.54 feet; thence North $0^{\circ} 49' 35''$ East 208.02 feet; thence North $17^{\circ} 39' 39''$ West 234.03 feet; thence North $58^{\circ} 25' 04''$ West 198.62 feet to the Westerly line of Lot No. 1, Section No. 21; thence North $0^{\circ} 08' 31''$ East along the Westerly line of Lot No. 1, Section No. 21, 490.00 feet; thence North $10^{\circ} 38' 13''$ East 184.14 feet; thence South $79^{\circ} 36' 40''$ East 244.00 feet; thence North $14^{\circ} 38' 31''$ West 458.23 feet; thence North $17^{\circ} 42' 35''$ East 124.92 feet; thence North $4^{\circ} 57' 12''$ West 150.56 feet; thence North $82^{\circ} 07' 57''$ East 277.61 feet; thence North $60^{\circ} 49' 19''$ East 225.63 feet; thence North $66^{\circ} 23' 26''$ East 329.59 feet; thence North $82^{\circ} 17' 44''$ East 551.98 feet; thence South $86^{\circ} 45' 44''$ East 601.96 feet; thence South $88^{\circ} 06' 13''$ East 151.08 feet; thence North $80^{\circ} 37' 50''$ East 202.70 feet; thence North $55^{\circ} 09' 43''$ East 152.30 feet; thence North $47^{\circ} 11' 26''$ East 129.50 feet; thence North $63^{\circ} 06' 47''$ East 318.42 feet; thence North $52^{\circ} 07' 30''$ East 91.21 feet; thence North $48^{\circ} 36' 05''$ East 202.63 feet; thence North $71^{\circ} 33' 54''$ East 139.14 feet; thence North $52^{\circ} 19' 01''$ East 183.22 feet; thence North $42^{\circ} 08' 15''$ East 90.27 feet to the Southerly line of Brookpark Road; thence South $71^{\circ} 49' 36''$ East 87.03 feet to a point of curve; thence along the arc of a circle deflecting to the left 333.57 feet, which is also the Southerly line of Brookpark road, and whose radius is 1005.37 feet and whose chord bears South $81^{\circ} 19' 54''$ East 332.04 feet; thence North $89^{\circ} 09' 48''$ East along the Southerly line of Brookpark Road 200 feet; thence South $65^{\circ} 53' 01''$ West 484.94 feet to a point in the Southeasterly line of the proposed new Grayton Road; thence South $42^{\circ} 36' 14''$ West 214.94 feet along said Southeasterly line of the new Grayton Road to a point of curve; thence South $36^{\circ} 52' 48''$ West 4264.23 feet to a point on the Easterly line of said proposed Grayton Road; thence Southerly along the Easterly line of the proposed Grayton Road, which is the arc of a circle deflecting to the right, 259.32 feet whose radius is 539.06 feet and whose chord bears South $13^{\circ} 15' 16''$ West 256.83 feet to a point of reverse curvature on the easterly line of said Grayton Road; thence Southerly along the Easterly line of said Grayton Road which is the arc of a circle deflecting to the left 187.52 feet and whose radius is 162.33 feet and whose chord bears South $6^{\circ} 03' 26''$ East 177.27 feet to a point of compound curvature in the Northeasterly line of Cedar Point Road; thence South $50^{\circ} 51' 00''$ West 60 feet to the Southwesterly line of said Cedar Point Road; thence Southeasterly along the arc of a circle deflecting to the right which is also the

Southwesterly line of Cedar Point Road a distance of 190.06 feet and whose radius is 1116.28 feet and whose chord bears South $34^{\circ} 16' 21''$ East 189.83 feet to a point of tangency; thence South $29^{\circ} 23' 41''$ East along the Southwesterly line of Cedar Point Road 136.48 feet to a point of curve; thence Southeasterly along the arc of a circle deflecting to the left which is also the Southwesterly line of Cedar Point Road a distance of 449.55 feet whose radius is 1176.28 feet and whose chord bears South $40^{\circ} 20' 36''$ East 446.82 feet; thence South $0^{\circ} 17' 04''$ West 901.05 feet to the Southerly line of land as conveyed by said Landphair to the City of Cleveland as aforesaid which point is distant 600 feet Westerly from the Westerly line of Grayton Road as measured along said Southerly line of said land as conveyed to the City of Cleveland; thence North $89^{\circ} 42' 56''$ West along the Southerly line of land so conveyed to the City of Cleveland 1387.92 feet to the place of beginning; containing 199.696 Acres, be the same more or less, but subject to all legal highways.

The consideration for said sale and conveyance shall be the sum of Five Hundred Dollars (\$500.00) and other valuable considerations, including the benefits and advantages which will inure to the City of Cleveland by reason of the establishment by the Government on said premises of an Airplane Engine Research Laboratory. Said option may be for an initial period of ninety (90) days, and may be renewed, if necessary, for an additional ninety (90) day period. Said option shall contain provisions satisfactory to the Attorney General of the United States and to the Director of Law of the City of Cleveland, concerning the evidencing of a fee simple title free and clear of all incumbrances whatsoever. Said option shall also provide that in the event of the exercise thereof, the deed from the City to the United States of America shall contain substantially the following covenants running with the land:

(A) That the City will not erect, nor permit to be erected, any structure or structures on the Cleveland Municipal Airport that will interfere

with or impede full and free access to said Airport from the land so conveyed;

(B) That the land so conveyed will not be used for purposes other than governmental aeronautical research, including the construction and equipment of an Airplane Engine Research Laboratory;

(C) That no buildings or structures shall be erected or constructed on the land to be conveyed which will interfere with the use of the Cleveland Municipal Airport.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force at the earliest time allowed by law.

HSB:MV
November 14, 1940