

Ordinance No. 1121-2021

By Council Members Spencer, Kazy, Bishop and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Directors of Public Utilities and/or Public Works to enter into one or more agreements with the Northeast Ohio Regional Sewer District to allow and accept the construction of a public restroom facility as part of NEORSD's Westerly Tunnel Dewatering Pump Station Project on property being leased by the Department of Public Utilities to the Cleveland Area Soap Box Derby Association, Inc.; and to amend Contract No. 57302 regarding maintenance of the restroom facility after construction.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That the Directors of Public Utilities and/or Public Works is authorized to enter into one or more agreements the Northeast Ohio Regional Sewer District to allow and accept the construction of a restroom facility as part of NEORSD's Westerly Tunnel Dewatering Pump Station Project on property near the Garrett A. Morgan Water Treatment Plant being leased by the Department of Public Utilities to the Cleveland Area Soap Box Derby Association, Inc. (the "Soap Box Derby"), as a gift to the City. The agreements shall be prepared by the Director of Law and shall contain additional terms and conditions that the Director deems necessary to protect and benefit the public interest.

Section 2. That the Director of Public Utilities and/or Public Works is authorized to enter into an amendment to Contract No. 57302 with the Soap Box Derby to require that the Soap Box Derby clean, lock, and supply the restroom facility once constructed and perform general maintenance, excluding winterization, which shall be done by the Department of Public Works annually. The amendment shall provide that the Soap Box Derby allows NEORSD access over its leased premises for purposes of constructing the restroom facility; gives NEORSD regular access to its Westerly Tunnel Dewatering Pump Station through the leased premises at a location approved by the parties; and gives City the right to use the public restrooms on terms that are agreeable to Soap Box Derby and City. All other terms and conditions contained in the contract shall remain the same.

Section 3. That the amendment shall be prepared by the Director of Law.

Section 4. That this ordinance is 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 passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

SM:nl
11-29-2021
FOR: Interim Director Keane and Director Cox

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READ FIRST TIME on NOVEMBER 29, 2021

REPORTS

and referred to **DIRECTORS of Public Utilities, Public Works, City Planning Commission, Finance, Law; COMMITTEES on Utilities, Municipal Services and Properties, Finance**

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

REPORT
after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
UTILITIES

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COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

FILED WITH COMMITTEE

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COMMITTEE ON
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