

Ordinance No. 757-2021

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

AN EMERGENCY ORDINANCE

Authorizing the Mayor and the Commissioner of Purchases and Supplies to acquire, accept, and record all real property and permanent and temporary easements needed for the Towpath Trail Stage 2 Project; authorizing the Director of Public Works to enter into any and all inter-agency agreements, leases, or permits with various entities and their affiliated entities, anchor retail stores, and tenants; and to accept donations to implement the Project.

WHEREAS, the Towpath Trail is largely complete from Zoar, Ohio, to downtown Cleveland; and

WHEREAS, the Towpath Trail Stage 2 Project is an existing one-mile stretch of trail located on Steelyard Commons property from Holmden Avenue to the north and the Jennings Road/Beltline Street intersection to the south (“Project Area”); and

WHEREAS, the Towpath Trail Stage 2 Project was constructed at the expense of First Interstate Properties, Ltd. as part of the Steelyard Commons project; and

WHEREAS, an integral part of the Towpath Trail Stage 2 Project includes the City’s acquisition of properties and easements which are needed to secure site control for public use and future maintenance of the trail facility; and

WHEREAS, Steelyard Commons and its related entities are agreeable to transferring property rights to the City for the Towpath Trail for public use and future maintenance; and

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, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Mayor and/or the Commissioner of Purchases and Supplies, as appropriate, are authorized to acquire, accept, and record all real property necessary to implement the Towpath Trail Stage 2 Project, including but not limited to gift, fee simple acquisitions, temporary and permanent easements, and work agreements. The consideration to be paid for the property shall not exceed fair market value as determined by the Board of Control.

Section 2. That the Director of Public Works is authorized to execute on behalf of the City all documents necessary to acquire, accept, and record the property and to

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employ and pay all fees for title companies, surveys, escrows, appraisers, review appraisers, and all other costs necessary for the acquisition of the property or easement interests.

Section 3. That the Director of Public Works is authorized to enter into any agreements, leases, permits, or cooperative agreements with the Board of Park Commissioners of the Cleveland Metropolitan Park District, Cuyahoga County, The North Cuyahoga Valley Corridor, Inc., and First Interstate Properties, Ltd. and/or F.I. Steelyard Commons, LLC and its affiliated entities, anchor retail stores, and tenants necessary to implement the Towpath Trail Stage 2 Project.

Section 4. That the Director of Public Works is authorized to accept any gifts or grants from any public or private entity of cash, real estate, easements, goods, materials, services, and public art needed to implement the Towpath Trail Stage 2 Project; that the Director is authorized to file all papers and execute all documents necessary to receive any funds; and that the funds are appropriated for the purposes in this ordinance.

Section 5. That the costs of acquiring, accepting, and recording the land or easement interests or any other costs associated with implementing this ordinance shall be paid from funds approved by the Director of Finance.

Section 6. 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.

LW:nl
9-20-2021
FOR: Director Cox

