

# Ordinance No. 261-2020

**Council Members Polensek, Kazy and Kelley (by departmental request)**

## AN EMERGENCY ORDINANCE

Authorizing the Director of Public Utilities to renew the lease with City Rose, Ltd. for certain property at 743 East 140<sup>th</sup> Street, Cleveland, Ohio for a term of two years with a two-year option to renew, ~~exercisable by the Director of Public Utilities, which is exercisable with additional~~ legislation, for the public purpose of operating the Division of Cleveland Public Power's East Side Service Center at 743 East 140<sup>th</sup> Street.

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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 Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Utilities is authorized to renew the lease with City Rose, Ltd. for certain property at 743 East 140<sup>th</sup> Street, Cleveland, Ohio, for the public purpose of operating the Division of Cleveland Public Power's East Side Service Center at 743 East 140<sup>th</sup> Street. The Lease Renewal premises are more fully described as follows: a portion of Permanent Parcel No. 112-27-007 including the southern half of the building (measuring approximately 97,000 square feet), paved parking area (approximately 75 cars), and a storage yard (measuring approximately 2.5 acres).

Section 2. That the term of the Lease Renewal authorized by this ordinance shall commence on September 1, 2020 and shall not exceed two years with a two-year option to renew, ~~exercisable by the Director of Public Utilities.~~ The option to renew may not be exercised without additional legislative authority.

Section 3. That the rent for each of the first two years of the Lease Renewal shall be \$250,000 paid annually, plus utilities, insurance and taxes and the rent for each year in the option term shall be \$262,500 paid annually, plus utilities, insurance and taxes.

Section 4. That the Lease Renewal shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

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Section 5. That the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the Lease Renewal authorized by this ordinance.

Section 6. That the costs of this ordinance shall be paid from Fund No. 58 SF 001, RQS 0103, RL 2020-15.

Section 7. 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  
2-24-20

FOR: Director Davis

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In the title, lines 6 and 7, strike "exercisable by the Director of Public Utilities," and insert "which is exercisable with additional legislation,".

2. In Section 2, line 3, strike ", exercisable by the Director of Public Utilities." and insert ". The option to renew may not be exercised without additional legislative authority.".

Date: \_\_\_\_\_ (Signed): \_\_\_\_\_

Kevin Roberts  
Assistant Director of Law

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