

Ordinance No. 764-2021

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to enter into an amendment to the Lease Agreement authorized by Ordinance No. 651-15, passed July 22, 2015, with Columbus Road Foundry, LLC to construct a public boardwalk and private docks on City-owned portions of vacated Leonard Street, to satisfy State of Ohio grant requirements.

WHEREAS, under Ordinance No. 651-15, passed July 22, 2015, the Columbus Road Foundry, LLC (“The Foundry”) entered into a Lease with the City of Cleveland to lease City-owned portions of vacated Leonard Street along the Cuyahoga River for construction of a public boardwalk and private docks for a period of ten years with two five-year options to renew at the discretion of the Director of Capital Projects; and

WHEREAS, in December 2020, The Foundry was awarded grant funding in the approximate amount of \$850,000 from the State of Ohio Department of Natural Resources (“ODNR”) to assist with the construction of the public boardwalk area on City property and other improvements at The Foundry’s facility; and

WHEREAS, in order to satisfy grant requirements The Foundry must have at least a 15 year term from completion of the improvement, which is anticipated to be until the Fall of 2037; and

WHEREAS, the City is agreeable to amending the lease to satisfy ODNR’s grant requirements; 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 the Director of Capital Projects is authorized to enter into an amendment to the the Lease Agreement authorized by Ordinance No. 651-15, passed July 22, 2015, with Columbus Road Foundry, LLC to change the lease term by adding an additional five-year option to renew, which will be exercisable by The Foundry.

Section 2. That the amendment shall authorize The Foundry to make improvements to the leased property subject to the approval of appropriate City agencies and officials.

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Section 3. That in order to comply with ODNR's 15-year site control requirement, the amendment shall allow all existing options to renew to be exercised by The Foundry.

Section 4. That City agrees to allow ODNR to record a notice of state interest against the leased property.

Section 5. All other terms and conditions of the lease shall remain the same.

Section 6. That the amendment shall be prepared by the Director of Law.

Section 7. That the Director of Capital Projects, 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 effectuate this ordinance.

Section 8. 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
9-20-2021
FOR: Director Spronz

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READ FIRST TIME on SEPTEMBER 20, 2021

and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability, Finance

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