

Ordinance No. 914-2021

By Council Members J. Jones and Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Port Control to enter into a Lease Agreement with Constant Aviation, Inc. for the lease of certain space and land located at 19200 Primary Road and 5200 Secondary Road at Cleveland Hopkins International Airport, Department of Port Control, to provide aviation maintenance, repair, and overhaul services, for a period of four years, with one four-year option to renew, exercisable by the Director of Port Control; and to terminate the existing Lease By Way of Concession Agreement and License at these premises.

WHEREAS, under the authority of Ordinance No. 119-04, passed February 2, 2004, the Director of Port Control entered into Lease By Way of Concession Agreement No. 62837 with Air Services of Cleveland, Inc., which in turn assigned the lease to Mercury Air Services, LLC, for use and occupancy of Bays D, E, and F in Building #102, adjacent ramps, and parking area, located at 5200 Secondary Road, (“the existing Lease”) to provide aviation maintenance, repair and overhaul services; and

WHEREAS, the existing Lease expires on December 31, 2023; and

WHEREAS, under the authority of Section 183.16 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control entered into License Agreement No. 2021-002 with Constant Aviation, LLC, for the use and occupancy of Bays 1, 2, and 3 in Building #101, and associated ramp located at 19200 Primary Road, (“the existing License”) to provide aviation maintenance, repair and overhaul services; and

WHEREAS, the existing License expires on December 6, 2021; and

WHEREAS, Mercury Air Services, LLC, and Constant Aviation, LLC, and the City wish to terminate the existing Lease and existing License and enter into one new lease with Constant Aviation, Inc. combining both areas for a new term of four years, with a four-year option to renew, to be used to provide aviation maintenance, repair and overhaul services; 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 Port Control is authorized to enter into a Lease Agreement with Constant Aviation, Inc. (“Constant”), for the use and occupancy of Bays D, E, and F in Building #102, adjacent ramps, and parking area, located at 5200

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Secondary Road, and Bays 1, 2, and 3 in Building #101, and associated ramp, located at 19200 Primary Road, at Cleveland Hopkins International Airport (“Leased Premises”) to support its aviation maintenance, repair, and overhaul business. The term of the Lease shall be for a four-year period, with one four-year option to renew, exercisable by the Director of Port Control.

Section 2. That Constant shall pay the City an annual rental rate payable in twelve equal monthly payments, based on a rental rate per square foot based on an independent third-party appraisal. The annual rental rate shall be increased at the beginning of the Option Term by ten percent (10%).

Section 3. That the Lease Agreement may authorize Constant to make improvements to, and maintain, the leased premises, subject to the approval of appropriate City agencies and officials.

Section 4. That the Lease Agreement may authorize the Director of Port Control to make reimbursements to Constant for its expenditures to fund capital improvements to the Leased Premises under terms agreed to by the City and Constant.

Section 5. That upon execution of the Lease Agreement, the existing Lease and existing License Agreement shall be terminated.

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

Section 7. That the Director of Port Control, 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 implement 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.

RS:nl
10-18-2021
FOR: Director Kennedy

