

Ordinance No. 890-2019

Council Members Conwell, Johnson, Brancatelli and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to enter into a property adoption agreement with The Finch Group, Inc., or its designee, to maintain a new City park located at the Glenville Circle North Development; and to enter into a lease with Cleveland Citywide Development Corporation, or its designee, for restaurant use of the lower plaza portion of the new park; the term for each agreement shall be for a period of three years, and shall automatically renew annually thereafter, unless terminated by either party.

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 and as an exception to the provisions of Chapters 181 and 183 and Section 131.23 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into a property adoption agreement with The Finch Group, Inc., or its designee ("Finch Group"), to maintain a new yet-to-be completed City park which will consist of an upper and lower level and will be located next to the Glenville Circle North building on Permanent Parcel Nos. 107-23-020 and 107-23-021 (the "New Park"), and are more fully described as follows:

Legal Description for Property Adoption of City Park at E. 105th Street and Ashbury Road

Property 1 (107-23-020):

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 385 and bounded and described as follows: Beginning on the Westerly line of East 105th Street, (60 feet wide) at its point of intersection with the Northeasterly line of Ashbury Road (60 feet wide); Thence Northerly along said Westerly line of East 105th Street, 130-83/100 feet to the Southeasterly corner of Sublot No. 21 in the East Boulevard Company's Allotment of part of Original One Hundred Acre Lot No. 385, as shown by the recorded plat in Volume 47 of Maps, Page 27 of Cuyahoga County Records; Thence Westerly along the Southerly line of said Sublot No. 21, 89-13/100 feet to the Northeasterly corner of Sublot No. 10 in said allotment; Thence Southerly along the Easterly line of said Sublot No. 10, 88-31/100 feet to said Northeasterly line of Ashbury Road; Thence Southeasterly along said Northeasterly line of Ashbury Road 98-76/100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Property 2 (107-23-021):

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio: And known as being Sublot No. 10 in the East Boulevard Company's Allotment of part of Original One Hundred Acre Lot No. 385, as shown by the recorded plat in Volume 47 of Maps, Page 27 of Cuyahoga County Records, and being 22.81 feet front on the Northeasterly right of way of Ashbury Road (60.00 feet wide), 88.31 feet deep on the Easterly line, 78.49 feet deep on the Westerly line which is also the Easterly line of East 103rd Street (12.00 feet wide) and 20.87 feet wide in the rear, as appears by said plat, be the same

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Section 2. That this property adoption shall not be construed as a conveyance of any right, title, or interest in public property, but is the grant of a privilege revocable at the will of Council.

Section 3. That the property adoption agreement shall contain the requirement that Finch Group shall maintain the New Park during the term of the property adoption agreement, at no cost to the City. Maintenance includes but is not limited to keeping the new greenspace, plaza areas, and improvements in a clean, decent, safe, and hazard-free condition, including but not limited to, picking up trash and debris, cutting the grass, maintaining the park improvements free from graffiti, and making routine repairs and maintenance as necessary, promptly. Maintenance obligations shall include the tree lawn for the New Park. The agreement shall also allow Finch Group to schedule programming of any portion of the New Park through the City's usual special events policy and procedures.

Section 4. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to lease to Cleveland Citywide Development Corporation, or its designee ("CCDC"), certain space located on the lower plaza of the New Park (the "Leased Premises") to be used as an area where restaurant operators located in the Glenville Circle North building will be allowed to serve food and, if sufficiently demarcated from the rest of the park and if a permit(s) has been issued to operator by the State of Ohio, to sell beer, wine and cocktails or spirits.

Section 5. That the space authorized by this ordinance shall be leased at \$1.00 and other valuable consideration which is determined to be fair market value, exclusive of utilities.

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Section 6. That the lease may authorize CCDC to make improvements to, and maintain, the Leased Premises subject to the approval of appropriate City agencies and officials.

Section 7. That the Director of Public Works, 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 the property adoption agreement with Finch Group and the lease with CCDC which are authorized by this ordinance shall be prepared by the Director of Law.

Section 9. That the term of the property adoption agreement with Finch Group and the lease with CCDC which are authorized by this ordinance shall be for a period of three years, and shall automatically renew annually thereafter, unless terminated by either party.

Section 10. 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.

GK:nl
7-24-19

FOR: Director Cox

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READ FIRST TIME on JULY 24, 2019

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

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **106** Page _____

Published in the City Record _____

**REPORT
after second Reading**

PASSAGE RECOMMENDED BY
COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

