

Ordinance No. 1061-14

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to enter into one or more agreements with the Group Plan Commission for the redevelopment of Public Square, the construction of improvements to Malls B and C, and the construction of a pedestrian and bicycle bridge to connect Mall C to the North Coast Harbor District; authorize the Commissioner of Purchases and Supplies to acquire rights and interests in real property; authorizing the director to apply for and accept any gifts or grants from any public or private entity; and authorizing the Group Plan Commission to sell the naming rights within Public Square and retain the proceeds of such sales for the construction, management, operation, and programming of Public Square, Malls B and C and the pedestrian and bicycle bridge.

WHEREAS, the Group Plan Commission was created to oversee the creation and implementation of a unified vision to develop and link the City's signature public spaces, reshaping the heart of our city, leveraging both public and private investment and new downtown development, and paving the way for a more liveable city as well as future growth; and

WHEREAS, the Group Plan Commission developed a plan to enhance connections to the lakefront and riverfront; elevate the value of urban design, public space, and public art; and incorporate connections to existing signature developments; and

WHEREAS, the Group Plan Commission is moving forward with three projects outlined in the plan, including the redevelopment of Public Square, the construction of improvements to Malls B and C, and construction of a pedestrian bicycle bridge connecting downtown and the lakefront; and

WHEREAS, the Group Plan Commission will work with the County of Cuyahoga, Ohio, to construct a pedestrian and bicycle bridge to connect the Mall C area to the North Coast Harbor District; and

WHEREAS, the Group Plan Commission has requested that the City authorize the Group Plan Commission to obtain philanthropic and private sponsorships and naming recognition opportunities subject to City approval within Public Square, Malls B and C, and the pedestrian and bicycle bridge and retain the proceeds of such opportunities for

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the redevelopment and the maintenance, operation and programming of Public Square, Malls B and C, and the pedestrian and bicycle bridge; 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of redevelopment of Public Square, the construction of improvements to Malls B and C and the construction of a pedestrian and bicycle bridge to connect Mall C to the North Coast Harbor District, including the design, procurement, and construction (the "Improvement"), for the Department of Public Works, under one or more design-build or engineer-procure-construct contracts with the Group Plan Commission having submitted the best proposal, taking into consideration the engineering and design, the construction method(s), the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional(s) and construction firm(s), and the other objectives of the Improvement.

The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for the Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Public Works, and certified by the Director of Finance.

Section 2. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase, lease, or otherwise acquire easements, fee interests, licenses, permits and other rights or interests in real

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property necessary for the Improvement. The consideration to be paid for the property shall not exceed fair market value.

Section 3. That the Director of Public Works is authorized to execute on behalf of the City all documents necessary to acquire rights or interests in real property and to employ and pay all fees for title companies, surveys, escrows, appraisers, and other consultants and all other costs necessary for the acquisition or use of the rights or interests in the property.

Section 4. That the Director of Public Works is authorized to enter into one or more agreements with the Group Plan Commission regarding the redevelopment, construction, operations, and programming of Public Square, which shall contain the terms substantially that are in the Term Sheet from the Group Plan Commission, File No. 1061-14-A. A copy of the Definitive Agreement referenced in the Term Sheet shall be deposited in the file upon its execution.

Section 5. That subject to the approval of the City Planning Commission and the Director of City Planning, the Group Plan Commission is authorized to obtain philanthropic and private sponsorships and naming opportunities in the quadrants and areas of Public Square, Malls B and C, and the pedestrian and bicycle bridge. Any funds obtained through such naming opportunities shall accrue to the Group Plan Commission for use in the construction, maintenance, operation and programming of Public Square, Malls B and C, and the pedestrian and bicycle bridge.

Section 6. That the Director of Public Works is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and that the Director is authorized to file all papers and execute all documents necessary to receive any gift or grant funds; and that the funds are appropriated for the purposes described in this ordinance.

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Section 7. That the Director of Public Works, with the approval of the Director of Law, is authorized to enter into one or more agreements with such parties as may be necessary or appropriate to effectuate the purposes of this ordinance.

Section 8. That the cost to the City for the Improvement and property acquisition authorized in this ordinance shall not exceed \$10,000,000 and shall be paid from the fund or funds to which are credited any gifts or grants received under this ordinance and from the fund or funds approved by the Director of Finance.

Section 9. 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.

RB:RC:HM:nl
8-20-14

FOR: Director Cox

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[File No. 1061-14-A]

**REPORT
after second Reading**

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An Emergency Ordinance authorizing the Director of Public Works to enter into one or more agreements with the Group Plan Commission for the redevelopment of Public Square, the construction of improvements to Malls B and C, and the construction of a pedestrian and bicycle bridge to connect Mall C to the North Coast Harbor District; authorize the Commissioner of Purchases and Supplies to acquire rights and interests in real property; authorizing the director to apply for and accept any gifts or grants from any public or private entity; and authorizing the Group Plan Commission to sell the naming rights within Public Square and retain the proceeds of such sales for the construction, management, operation, and programming of Public Square, Malls B and C and the pedestrian and bicycle bridge.

READ FIRST TIME

REPORTS

and referred to **DIRECTORS of Public Works, Capital Projects, City Planning Commission, Finance, Law; COMMITTEES on Municipal Services and Properties, Development Planning and Sustainability, Finance**
by the council

AUGUST 20, 2014

CITY CLERK

READ SECOND TIME

by the council

CITY CLERK

READ THIRD TIME

by the council

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES**

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COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

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**PASSAGE RECOMMENDED BY
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