

Ordinance No. 778-2021

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to enter into a lease and management agreement with the Board of Park Commissioners of the Cleveland Metropolitan Park District for certain City property known as the Towpath Trail located between Harvard Avenue and Merwin Avenue for the purpose of providing day-to-day management, maintenance, safety, security and other services, for a term of ninety-nine years.

WHEREAS, the City of Cleveland owns or controls certain property located between Harvard Avenue and Merwin Avenue that is known as the Towpath Trail, which is suitable for lease by another party for a public use; and

WHEREAS, the Board of Park Commissioners of the Cleveland Metropolitan Park District (“Cleveland Metroparks”) has proposed to lease the Towpath Trail property from the City for the purpose of providing day-to-day management, maintenance, safety, security and other services, for a term of ninety-nine years; 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 Public Works is authorized to enter into a Lease and Management Agreement (the “Agreement”) with Cleveland Metroparks for the lease and management of certain City-owned or controlled property known as the Towpath Trail between Harvard Road at the Cleveland-Cuyahoga Heights border and Merwin Avenue in downtown Cleveland at Canal Basin Park, which is suitable for lease by another party for a public use and more fully depicted in the map placed in **File No. 778-2021-A.**

Section 2. That the term of the Agreement authorized by this ordinance shall not exceed ninety-nine years.

Section 3. That the property authorized by this ordinance shall be leased at \$1.00 per year, and other valuable consideration, which is determined to be fair market value, exclusive of utilities.

Section 4. That the Agreement may authorize Cleveland Metroparks to make improvements to, and maintain, the leased premises subject to the approval of appropriate City agencies and officials.

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Section 5. That the Agreement shall be prepared by the Director of Law.

Section 6. 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 effect the Agreement authorized by this ordinance.

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.

LW:nl
9-20-2021
FOR: Director Cox

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

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**READ FIRST TIME on SEPTEMBER 20, 2021
and referred to DIRECTORS of Public Works,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability, Finance**

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