

Ordinance No. 823-2020

By Council Members: Griffin, Johnson and Kelley (by departmental request)

An emergency ordinance authorizing the Director of Public Works to enter into a license agreement with the Italian-American Brotherhood Club, or its designee, to design, build, install, and maintain a statue of Rocco Domenico "Rocky" Colavito Jr. on City-owned property in Tony Brush Park, for an initial term of three years and automatically renewing year to year 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 Section 183.16 of the Codified Ordinances of Cleveland, Ohio, the Director of Public Works is authorized to enter into a license agreement with the Italian-American Brotherhood Club, or its designee ("IABC"), whereby the City is granting IABC the right to design, build, install, and maintain a life-size bronze statue of Cleveland Indians Hall of Fame player Rocco Domenico "Rocky" Colavito Jr. and related improvements, including a sitting wall, donor plaques, dedication marker, and pavers, on City-owned property in Tony Brush Park, Permanent Parcel Nos. 121-03-020 and 121-03-021, at a cost of \$1.00 and other valuable consideration. The location is more fully described as follows:

Rocky Colavito Statue located within Tony Brush Park

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot numbers 75 to 82, both inclusive in Andrew Cozad's Allotment of part of Original 100 Acre Lots Number 395, 396, 403 and 404 as shown by the recorded plat in Volume 7 of Maps, Page 21 of Cuyahoga County Records further described as follows:

Beginning in the westerly line of Random Road S.E. (60.00 feet wide), at the Southeasterly corner of a parcel of land conveyed to the City of Cleveland, by deed dated July 24th 1968 and recorded in Volume 12340, Page 831 of Cuyahoga County Records, also being the Northeasterly corner of a parcel of land appropriated by the City of Cleveland as shown in the Certificate of Appropriation recorded in Volume 12310, Page 965 of Cuyahoga County Records:

Thence westerly perpendicular to said westerly line of Random Road S.E. about 30.00 feet to the point of beginning of a 25-foot by 25-foot square area further described as follows:

Thence southerly parallel to said westerly line of Random Road S.E. about 10.00 feet.

Thence westerly perpendicular to said westerly line of Random Road S.E. about 25.00 feet.

Thence northerly parallel to said westerly line of Random Road S.E. about 25.00 feet.

Thence easterly perpendicular to said westerly line of Random Road S.E. about 25.00 feet.

Thence southerly parallel to said westerly line of Random Road S.E. about 15.00 feet to the principle place of beginning.

Section 2. That the term of the license agreement shall be three years and automatically renewing year to year unless terminated by either party.

Section 3. That the license agreement shall be prepared by the Director of Law and contain such terms as recommended by the Director of Law, including the requirement that IABC maintain and repair the public art and improvements during the term of the agreement at no cost to the City and remove the public art and improvements at no cost to the City when the agreement is terminated, and that IABC maintain liability insurance during the term of the agreement with the City named as an additional insured.

Section 4. That the Director of Public Works and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other action as may be necessary or appropriate to affect the license agreement authorized by this ordinance.

Section 5. 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.

Referred to the Directors of Public Works; City Planning Commission; Finance; and Law; Committees on Municipal Services and Properties; and Finance.