

# Ordinance No. 151-2021

By Council Members Brancatelli and Kelley (by departmental request)

**PASSED AS A NON-EMERGENCY MEASURE ON APRIL 12, 2021**

## **AN EMERGENCY ORDINANCE**

Authorizing the Director of Building and Housing to lease certain space located on the fourth floor and a portion of the first floor of 65-75 Erieview Plaza from Alto 55 Erieview, LLC, for a term not to exceed eight years, with two five-year options to renew, exercisable by the Director of Building and Housing for the public purpose of providing office and administrative spaces for use by the various divisions of the Department of Building and Housing; to accept gifts or grants for the purposes of this ordinance; and authorizing various written standard purchase and requirement contracts needed for movers, furniture, fixtures, equipment, and related office materials, including labor, materials, and installation, if necessary.

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WHEREAS, the City of Cleveland requires certain spaces located at 65-75 Erieview Plaza for the public purpose of providing office and administrative spaces for use by the Department of Building and Housing; and

WHEREAS, Alto 55 Erieview, LLC (“Alto 55”) has proposed to lease and build-out space for the City of Cleveland; 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, notwithstanding Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Building and Housing is authorized to enter into a lease with Alto 55 for certain spaces at 65-75 Erieview Plaza for the purpose of providing office and administrative spaces for use by the Department of Building and Housing (“Lease”). The Lease premises are more fully described as follows: 28,105 square feet of rentable square feet on the fourth floor and 1,643 square feet of rentable space on a portion of the first floor at 65-75 Erieview Plaza for office and administrative purposes and 17 free parking spaces at one of the adjacent garages.

Section 2. That the term of the Lease authorized by this ordinance shall not exceed eight years with two five-year options to renew, exercisable by the Director of Building and Housing.

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Section 3. That the rent for the first year of the Lease shall be \$11.00 per square foot, with the first six months of rent being abated by the Alto 55 and shall increase on a yearly basis from \$11.00 to \$11.25, \$11.50, \$12.00, \$12.50, \$13.00, \$13.50, and \$14.00 per square foot exclusive of utilities and operating costs.

Section 4. That the landlord shall provide tenant improvements at 65-75 Erieview Plaza for the benefit of the City and other valuable consideration.

Section 5. That the Lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 6. That the Lease shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

Section 7. That 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 Lease authorized by this ordinance.

Section 8. That the Director of Building and Housing is authorized to apply for and accept any grants or gifts of cash or services from any public or non-public entity to implement this ordinance; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant or to accept the cash or services; and that the funds are appropriated for the purposes of this ordinance.

Section 9. That the Director of Building and Housing is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the director, for the necessary items of materials, equipment, supplies, and services needed to implement this ordinance, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the appropriate department. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

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Section 10. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Building and Housing may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 11. That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 12. That the rent for the first year of the Lease and any other costs of this ordinance shall not exceed \$82,426.75, payable from Fund No. 01-8501-6380, fund or funds to which are credited any gifts or grants received for this purpose, and from any funds approved by the Director of Finance for this purpose. The rent for the remainder of the years in the initial rental term shall be subject to annual appropriation. (RQS 8501 RL 2021-18)

Section 13. 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:nl  
3-8-2021  
FOR: Director Blue Donald

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REPORT  
after second Reading

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READ FIRST TIME on MARCH 8, 2021

REPORTS

and referred to DIRECTORS of Building and Housing, Finance, Law;  
COMMITTEES on Development Planning and Sustainability, Finance

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CITY CLERK

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READ SECOND TIME

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CITY CLERK

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READ THIRD TIME

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PRESIDENT

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CITY CLERK

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APPROVED

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MAYOR

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Published in the City Record \_\_\_\_\_

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
SUSTAINABILITY

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE

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