

# Ordinance No. 1203-2022

By Council Members Spencer, Bishop, Hairston and Griffin (by departmental request)

## AN EMERGENCY ORDINANCE

To amend the title of Ordinance No. 304-2022, passed June 6, 2022, and to supplement the ordinance by adding new Section 5a relating to authorizing the Director of Public Works to apply for and accept a grant from the National Park Service for the purpose of developing a new City park to be located near the Clark Recreation Center, authorizing the purchase of various property interests, and authorizing the construction of the park.

WHEREAS, under Ordinance No. 304-2022, passed June 6, 2022, this Council authorized the Director of Public Works to accept a grant to develop a new City park to be located near the Clark Recreation Center, to purchase various properties needed for the new park and to construct the new park; and

WHEREAS, construction of the new park will not begin until 2024; and

WHEREAS, one of the property owners, Riley and Donna Shirey, are requesting a leaseback of the property located at 5808 Clark Avenue until no later than December 31, 2023, to allow them time to find suitable property to move to; and

WHEREAS, the City has no objection to their request; 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 title of Ordinance No. 304-2022, passed June 6, 2022, is amended to read as follows:

An Emergency Ordinance authorizing the Director of Public Works to apply for and accept a grant from the National Park Service for the purpose of developing a new City park to be located near the Clark Recreation Center; authorizing the Mayor and the Commissioner of Purchases and Supplies to purchase various property interests; authorizing the leaseback of property located at 5808 Clark Avenue to Riley and Donna Shirey until no later than December 31, 2023; enter into various Option to Purchase Agreements as needed; determining the method of making the public improvement of constructing the new park; authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more contracts; and to apply for and accept additional grants and gifts for the new park.

Section 2. That the existing title of Ordinance No. 304-2022, passed June 6, 2022, is repealed.

Section 3. That Ordinance No. 304-2022, passed June 6, 2022, is supplemented by adding new Section 5a to read as follows:

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Section 5a. 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 leaseback to Riley and Donna Shirey (“Sellers/Lessees”), certain property located at 5808 Clark Avenue.

That the term of the leaseback authorized by this ordinance shall not extend past December 31, 2023, and is cancellable by either party with a thirty (30) days’ written notice.

That the property authorized by this ordinance shall be leased at \$1.00 per month, and other valuable consideration, which is determined to be fair market value, exclusive of utilities. During the term of the leaseback, Sellers/Lessees are responsible for maintenance, property insurance and property taxes.

That the leaseback may authorize the Sellers/Lessees to make improvements to, and maintain, the leased premises at its cost subject to the approval of appropriate City agencies and officials.

That the leaseback shall be prepared by the Director of Law.

That the Director of Public Works, or his/her designee, 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 leaseback authorized by this ordinance.

Section 4. 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.

KR:nl  
11-14-2022  
FOR: Director Williams

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READ FIRST TIME on NOVEMBER 14, 2022

and referred to DIRECTORS of Public Works,  
City Planning Commission, Finance, Law;  
COMMITTEES on Municipal Services and Properties,  
Development Planning and Sustainability,  
Finance Diversity Equity and Inclusion

REPORTS

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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 \_\_\_\_\_

REPORT  
after second Reading

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

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**FINANCE, DIVERSITY, EQUITY  
and INCLUSION**

FILED WITH COMMITTEE

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