

Ordinance No. 335-2023

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

AN EMERGENCY ORDINANCE

Authorizing the Directors of Public Works and Public Safety to enter into a license agreement granting Air Products and Chemicals, Inc. to use and occupy an access road and two separate areas located on City-owned property adjacent to the former Kennel building by Clark Field.

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 Directors of Public Works and Public Safety are authorized to enter into a license agreement with Air Products and Chemicals, Inc. (“Air Products”) to use and occupy an access road located on City-owned property adjacent to the former Kennel building located by Clark Field for ingress and egress purposes, and two separate areas located adjacent to the access road, during an expansion of their facility located at 2280 Quigley Road as depicted on the map placed in **File No. 335-2023-A**. The cost of the license agreement is \$1.00 and other valuable consideration, which is determined to be fair market value.

Section 2. That the term of the license agreement shall be for an initial term not to exceed two years, and automatically renewing monthly unless terminated by either party.

Section 3. That the license agreement shall be prepared by the Director of Law and shall require that Air Products, at no cost to the City, maintain and repair the access road described above during the term of the agreement, and to repair and resurface such access road upon completion of its work or at such time deemed appropriate by the City, restore any disturbed areas, including the two separate areas described above, to their original condition, and maintain liability insurance during the term of the agreement with the City included as an additional insured.

Section 4. That the Directors of Public Works, Public Safety, and 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 effect 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.

SM:nl
3-13-2023
FOR: Director Williams and Director Howard

**By Council Members Bishop, Polensek and Griffin
(by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Directors of Public Works and Public Safety to enter into a license agreement granting Air Products and Chemicals, Inc. to use and occupy an access road and two separate areas located on City-owned property adjacent to the former Kennel building by Clark Field.

READ FIRST TIME on MARCH 13, 2023 **REPORTS**
and referred to DIRECTORS of Public Works, Public Safety, City Planning Commission, Finance, Law; COMMITTEES on Municipal Services and Properties, Safety, Finance Diversity Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

**REPORT
after second Reading**

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

FILED WITH COMMITTEE

**PASSAGE RECOMMENDED BY
COMMITTEE ON
SAFETY**

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE
