

Ordinance No. 681-2023

By Council Members McCormack and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Port Control to enter into an absolute triple net Lease Agreement with South Shore Cable Construction, Inc., or its designee for certain property located at 6400 Kolthoff Road in the City of Brook Park, for the purpose of supporting their general business and light industrial manufacturing, for a term of two years, with three one-year options to renew, exercisable by the Director of Port Control.

WHEREAS, the City of Cleveland owns certain property located at 6400 Kolthoff Road in the City of Brook Park, which is not needed for public use; and

WHEREAS, South Shore Cable Construction, Inc., or its designee, has proposed to lease the property from the City; 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 and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to enter into an absolute triple net Lease Agreement (“Lease”) with South Shore Cable Construction, Inc., or its designee (“Lessee”), for certain property which is not needed for public use for the term of the lease and is located at 6400 Kolthoff Road in the City of Brook Park, which consists of approximately 3.542 acres, on which is located a building with approximately 29,540 square feet, for the purpose of a light industrial manufacturing facility and general office space.

Section 2. That the term of the lease authorized by this ordinance shall not exceed two years (“Initial Term”), with three one-year options to renew, exercisable by the Director of Port Control (“Option Term”).

Section 3. That for use of the Leased Premises during the Initial Term, Lessee shall pay an annual fair market value rental rate as determined by an independent third-party appraisal. For each Option Term exercised, the rental rate shall be adjusted based on the United States Department of Labor, Consumer Price Index: “All Urban Consumers” Midwest”, however, never lower than the rate during the initial term.

Ordinance No. 681-2023

Section 4. 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 5. That the Director of Port Control, 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 6. 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.

AP:nl
6-5-2023
FOR: Director Francis

