Ordinance No. 707-2023 AS AMENDED

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to lease certain property located at 1302 Euclid Avenue to the Playhouse Square Foundation, for a term of five years with one option to renew for an additional five year period, exercisable by the Director of Capital Projects.

WHEREAS, the City of Cleveland owns certain property located at 1302 Euclid Avenue, which is not needed for the City's public use; and

WHEREAS, the Playhouse Square Foundation has proposed to lease space within the property from the City for the purpose of operating a restaurant in the concession stand; and

WHEREAS, Playhouse Square Foundation will provide capital improvements and repairs to the property as well as tree planting, and event programming in the surrounding City park, among other things; 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 Capital Projects is authorized to lease to the Playhouse Square Foundation ("Lessee"), approximately 659 square feet of space located on a portion of Permanent Parcel No. 101-37-041, known as US Bank Plaza, at 1302 Euclid Avenue, for the purpose of operating a restaurant in the concession stand space, which is not needed for the City's public use, and is more fully depicted on the map placed in File No. 707-2023-A.

Section 2. That the term of the lease authorized by this ordinance is for a term of five years with one option to renew for an additional five year period, exercisable by the Director of Capital Projects.

Section 3. That the property authorized to be leased by this ordinance shall be leased for $1.00 per year, and other valuable consideration, which is determined to be fair market value, exclusive of utilities.

Section 4. That the lease may authorize the Lessee to make improvements to, and maintain, the leased premises at its cost subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be prepared by the Director of Law.

Section 6. That the Director of Capital Projects, 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 7. 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.

JS:nl
6-5-2023
FOR: Director DeRosa

Ord. No. 707-2023 AS AMENDED

REPORT
after second Reading

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

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by the council _____

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by the council _____

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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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