

Ordinance No. 1173-2024

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Port Control, Public Works and/or Capital Projects, as appropriate, to enter into one or more submerged land leases with the State of Ohio and future consent to sub-lease with various tenants for the submerged land from West 3rd Street to approximately East 49th Street, for a term up to ninety-nine years, with two fifty-year options to renew, exercisable by the Director of Port Control; and to replace, modify, amend, extend, or otherwise adjust existing identified submerged land leases and sub-leases.

WHEREAS, to develop future public works, infrastructure and mixed-use private development projects consistent with the approved City's Lakefront Master Plan, it is necessary to demonstrate good title to the submerged land for all the Downtown Lakefront properties located from West 3rd Street to approximately East 49th Street ("Downtown Lakefront Properties"); and

WHEREAS, City desires to demonstrate good title by entering into one or more submerged land leases with the State of Ohio and future consent to sub-lease with various tenants for the Downtown Lakefront Properties depicted in red on the map placed in **File No. 1173-2024-A** (the "Map"); and

WHEREAS, in order to maintain consistency between the Downtown Lakefront Properties, the Director of Port Control, Public Works and/or Capital Projects, as appropriate, requires authority to replace, modify, amend, extend, or otherwise adjust the existing submerged land leases identified on the Map and any options to renew, if exercised; 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 Director of Port Control, Public Works and/or Capital Projects, as appropriate, is authorized to enter into one or more submerged land leases with the State of Ohio and future consent to sub-lease with various tenants for the Downtown Lakefront Properties illustrated in red on the Map, as deemed necessary to conform to the City's Lakefront Master Plan, for a term up to ninety-nine years ("Term"), with two options to renew for a period of fifty years each, exercisable by the Director of Port Control, Public Works and/or Capital Projects, as appropriate.

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Section 2 The Director of Port Control, Public Works and/or Capital Projects, as appropriate, is authorized to expend funds necessary to pay the annual base rent, as determined by the use of the leased premises, for the Term of the submerged land leases and any renewal periods thereof. The Director of Port Control, Public Works and/or Capital Projects, as appropriate, is further authorized to be reimbursed for rent payments to the State of Ohio from future tenant sublessees and may also accept security deposits from these tenants to offset any future costs to the City.

Section 3. That the Director of Port Control, Public Works and/or Capital Projects, as appropriate, is authorized to replace, merge, modify, amend, extend, or otherwise adjust any existing identified submerged land leases and future consent to sub-lease for the Downtown Lakefront Properties that further the City's Lakefront Master Plans.

Section 4. That the Director of Port Control, Public Works and/or Capital Projects, as appropriate, 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 implement 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.

AP:nl
10-28-2024
FOR: Directors Francis, Williams, DeRosa

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

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READ FIRST TIME on OCTOBER 28, 2024 **REPORTS**
and referred to **DIRECTORS of Port Control, Public Works, Capital Projects, City Planning Commission, Finance, Law; COMMITTEES on Transportation and Mobility, Municipal Services and Properties, Development Planning and Sustainability, Finance Diversity Equity and Inclusion**

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