

Ordinance No. 1356-18

Council Member Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Finance to enter into one or more agreements with the Cleveland Cavaliers, Cleveland Indians, the Gateway Corporation, or any other tenants and users of the Gateway Garage for the lease and use of City-owned and maintained network conduit, dark fiber, and other telecommunication or network assets, for a period up to five years, with one option to renew for an additional five-year period, exercisable by the Director of Finance.

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 Finance is authorized to enter into one or more agreements with the Cleveland Cavaliers, Cleveland Indians, the Gateway Corporation, or any other tenants and users of the Gateway Garage ("Tenants and Users") for the lease and use of City-owned and maintained network conduit, dark fiber, and other telecommunication or network assets, at fair market value to be determined by the Board of Control, for a period up to five years, with one option to renew for an additional five-year period, exercisable by the Director of Finance.

Section 2. That, under the agreement, the Director Finance shall charge and collect lease payments, which may include buildout costs, and other fees, from the Tenants and Users for the lease and use of City-owned and maintained network conduit, dark fiber, and other telecommunication or network assets, during the term of the Agreement.

Section 3. That the lease shall be prepared by the Director of Law.

Section 4. That the Director of Finance, 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 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.

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READ FIRST TIME on NOVEMBER 12, 2018
and referred to DIRECTORS of Finance, Law;
COMMITTEE on Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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REPORT
after second Reading

**PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE**

FILED WITH COMMITTEE