

Ordinance No. 149-2021

By Council Members Brancatelli and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Community Development to enter into an amendment to Lease Agreement No. NF 2017-058 with Shaia Parking, Inc. or its designee, for the purpose of operating a parking lot at 1301-1325 Chester Avenue; and to enter into an amendment to the Option to Purchase Agreement No. NF 2017-059 with Shaia to extend both the lease and the option to purchase for an additional four years.

WHEREAS, under Ordinance No. 260-16, passed April 11, 2016, the Director of Community Development entered into a Lease Agreement No. NF 2017-058 with Shaia Parking, Inc., or its designee (“Shaia”) for the purpose of operating a parking lot at 1301-1325 Chester Avenue, Permanent Parcel Nos. 102-22-013 and 102-23-061 (“Property”), for a term of five years (“Original Lease”) and also authorized an Option to Purchase Agreement No. NF 2017-059 with Shaia in connection with the sale of the Property (“Original Option to Purchase”); and

WHEREAS, the City wishes to extend the Original Lease and Original Option to Purchase for four years until May 31, 2026; 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 Community Development is authorized to enter into an amendment to the Original Lease with Shaia to extend the lease for an additional four years until May 31, 2026, under the same terms and conditions as in the Original Lease, including the rent which shall remain at \$22,500 annually, plus utilities and trash. Rent to remain payable in equal monthly installments due in advance on the first day of each month, exclusive of utilities.

Section 2. That the Director of Community Development is authorized to enter into an amendment to the Original Option to Purchase with Shaia to extend the Option to Purchase the Property for an additional four years until May 31, 2026, under the same terms and conditions as in the Original Option to Purchase, including the purchase price of \$1,500,000 less any environmental remediation costs approved by the City. Shaia must pay an Option to Purchase fee of \$10,000 in consideration of the extension of the Original Option to Purchase.

Section 3. That the amendments to the Original Lease and the Original Option to Purchase shall be prepared by the Director of Law.

Section 4. That the proceeds from the amended lease, option extension fee, and sale of the Property shall be deposited into a fund or funds approved by the Director of Finance.

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.

