

Ordinance No. 1028-2021

By Council Members **J. Jones, Brancatelli and Kelley** (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Port Control to enter into one or more submerged land leases with the State of Ohio and future sub-leases with various tenants for the submerged land at Burke Lakefront Airport, 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 adjacent submerged land leases and sub-leases.

WHEREAS, the City of Cleveland constructed Burke Lakefront Airport (“Burke”) over several decades on artificial fill placed on the bed or submerged land of Lake Erie. Lake Erie submerged land is administered by the State of Ohio, acting through the Department of Natural Resources; and

WHEREAS, on August 1, 1992, the City entered into submerged land lease SUB-514-CU with the State of Ohio for the northern portion of Burke, to accommodate airport expansion, a consolidated disposal facilities used to store dredge material harvested from the Cuyahoga River and other port developments; and

WHEREAS, to continue to meet Federal Aviation Administration (“FAA”) grant assurances, United States Army Corp of Engineers requirements and private development standards, it is necessary to demonstrate good title to the submerged land for the remaining portion of the Burke property; and

WHEREAS, City desires to demonstrate good title by entering into one or more submerged land leases with the State of Ohio and future sub-leases with various tenants for the submerged land at Burke Lakefront Airport depicted in blue on the map placed in **File No. 1028-2021-A** (“Burke Lakefront Airport”); and

WHEREAS, in order to have consistency between adjacent areas, the Director of Port Control requires authority to replace, modify, amend, extend, or otherwise adjust the existing adjacent submerged land leases and options to renew if exercised to comply with FAA and other federal agency requirements.

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:

Ordinance No. 1028-2021

Section 1. That the Department of Port Control is authorized to enter into one or more submerged land leases with the State of Ohio and sub-leases with various tenants for the submerged land at Burke Lakefront Airport depicted in blue in the above-mentioned file, 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.

The Director of Port Control 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 is further authorized to be reimbursed for rent payments to the State of Ohio from future tenant sub-leases and may also accept security deposits from these tenants to offset any future costs to the City.

Section 2. That the Director of Port Control is authorized to replace, merge, modify, amend, extend, or otherwise adjust any existing adjacent submerged land leases at Burke to comply with FAA or other federal agencies requirements.

Section 3. 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 implement this ordinance.

Section 4. 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
11-15-2021
FOR: Director Kennedy

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(by departmental request)**

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READ FIRST TIME on NOVEMBER 15, 2021
and referred to DIRECTORS of Port Control,
City Planning Commission, Finance, Law;
COMMITTEES on Transportation,
Development Planning and Sustainability, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

**REPORT
after second Reading**

**PASSAGE RECOMMENDED BY
COMMITTEE ON
TRANSPORTATION**

FILED WITH COMMITTEE

**PASSAGE RECOMMENDED BY
COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

FILED WITH COMMITTEE

**PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE**

FILED WITH COMMITTEE
