

County Council of Cuyahoga County, Ohio

Resolution No. R2016-0190

Sponsored by: **County Executive Budish/Department of Public Works**

A **Resolution** authorizing a First Amendment to Lease and Right of First Refusal Agreement with The Board of Park Commissioners of the Cleveland Metropolitan Park District for County-owned property on the Flats East and West Banks, located at 1170 Old River Road, Cleveland, for a term of 99 years, by adding Permanent Parcel No. 003-16-029 located adjacent to the intersection of Main Avenue and Center Street underneath the Cleveland Memorial Shoreway; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

WHEREAS, the County Executive/Department of Public Works has recommended a First Amendment to a Lease and Right of First Refusal Agreement with The Board of Park Commissioners of the Cleveland Metropolitan Park District (the "Metroparks") to add permanent parcel number 003-16-029, located adjacent to the intersection of Main Avenue and Center Street, underneath the Cleveland Memorial Shoreway; and

WHEREAS, pursuant to Cuyahoga County Council Resolution No. R2014-0125 dated 5/27/2014, the County entered into a certain lease and right of first refusal with Metroparks for lease of certain real property (Permanent Parcel Nos. 101-13-028, 101-13-029 and 101-13-030) known as "Flats East Bank Property" and certain real property located on the West Bank of the Flats (Parcels 53 and 54 located between Permanent Parcel Nos. 003-17-009 and 003-19-015) known as "Flats West Bank Property" for an initial term of ninety-nine (99) years with two (2) renewal periods of ninety-nine (99) years each; and

WHEREAS, the primary goal of this Amendment to Lease and Right of First Refusal with the Metroparks is to add to the lease property located adjacent to the intersection of Main Avenue and Center Street, underneath the Cleveland Memorial Shoreway and known as Permanent Parcel No. 003-16-029; and

WHEREAS, the initial terms of the lease and rental rate (\$1.00 per year) will not change; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the Cuyahoga County Council hereby authorizes a First Amendment to Lease and Right of First Refusal Agreement with The Board of Park Commissioners of the Cleveland Metropolitan Park District for County-owned property on the Flats East and West Banks, located at 1170 Old River Road, Cleveland, for a term of 99 years, by adding Permanent Parcel No. 003-16-029 located adjacent to the intersection of Main Avenue and Center Street underneath the Cleveland Memorial Shoreway.

SECTION 2. That the County Executive or his authorized designee is authorized to execute the First Amendment to Lease and Right of First Refusal Agreement with Metroparks for the same and to take all actions, exercise any options, make payments, and to execute, acknowledge, deliver and/or file for record (as and where appropriate) all documents or instruments and to take such further actions which are necessary or appropriate to effect the intent and purposes of this Resolution and the First Amendment to Lease and Right of First Refusal Agreement.

SECTION 3. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 4. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Germana, seconded by Mr. Miller, the foregoing Resolution was duly adopted.

Yeas: Greenspan, Miller, Germana, Gallagher, Schron, Conwell, Jones, Brown, Hairston, Simon and Brady

Nays: None

David Brady / 10/24/2016
County Council President Date

Ms. R. G. / 10/25/16
County Executive Date

Jane M. Brody / 10/24/2016
Clerk of Council Date

First Reading/Referred to Committee: October 11, 2016
Committee(s) Assigned: Public Works, Procurement & Contracting

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