

County Council of Cuyahoga County, Ohio

Resolution No. R2018-0126

<p>Sponsored by: County Executive Budish/Department of Public Works</p> <p>Co-sponsored by: Councilmember Conwell</p>	<p>A Resolution authorizing a Second Amendment to Lease and Right of First Refusal with Board of Park Commissioners of the Cleveland Metropolitan Park District for County-owned property located on the Flats East and West Banks, for a term of 99 years, to add a portion of Permanent Parcel No. 003-15-001 located at the southwest corner of Main Avenue and Mulberry Street intersection underneath the Main Avenue Bridge in the City of Cleveland; 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.</p>
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WHEREAS, the County Executive/Department of Public Works has recommended a Second Amendment to Lease and Right of First Refusal with the Board of Park Commissioners of the Cleveland Metropolitan Park District (the “Metroparks”) to add a portion of Permanent Parcel No. 003-15-001 located at the southwest corner of Main Avenue and Mulberry Street intersection underneath the Main Avenue Bridge in the City of Cleveland; and

WHEREAS, pursuant to Resolution No. R2014-0125, adopted on 5/27/2014, the County and Metroparks entered into a Lease and Right of First Refusal dated 6/2/2014, for certain real property located on the East Bank of the Flats known as Permanent Parcel Nos. 101-13-028, 101-13-029, 101-13-030, and certain real property located on the West Bank of the Flats known as parcels 53 and 54, located between Permanent Parcel Nos. 003-17-009 and 003-19-0015, for an initial term of 99 years with two (2) renewal periods of 99 years (the “Lease”); and

WHEREAS, pursuant to Resolution No. R2016-0190, adopted on 10/24/2016, the County and Metroparks entered into a First Amendment to Lease and Right of First Refusal dated 10/26/2016, to add to the Lease certain real property known as Permanent Parcel No. 003-16-0029 located adjacent to the intersection of Main Avenue and Center Street underneath the Cleveland Memorial Shoreway; and

WHEREAS, the primary goal of this Second Amendment and Right of First Refusal is to add to the Lease a portion of Permanent Parcel No. 003-15-001 located on the southwest corner of Main Avenue and Mulberry Street intersection, underneath the Main Avenue Bridge in City of Cleveland; 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 Second Amendment to Lease and Right of First Refusal with the Board of Park Commissioners of the Cleveland Metropolitan Park District for County-owned property located on the Flats East and West Banks, for a term of 99 years, to add a portion of Permanent Parcel No. 003-15-001 located at the southwest corner of Main Avenue and Mulberry Street intersection underneath the Main Avenue Bridge in the City of Cleveland.

SECTION 2. That the County Executive is authorized to execute the amendment and all other documents consistent with this Resolution.

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. Tuma, seconded by Mr. Miller, the foregoing Resolution was duly adopted.

Yeas: Gallagher, Schron, Conwell, Jones, Brown, Houser, Simon, Baker,
Miller, Tuma and Brady

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: June 12, 2018

Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested: June 20, 2018

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