

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2021-57

By Jim Maxwell Sponsored By Mayor Cyril M. Klecm

AN ORDINANCE

AUTHORIZING THE MAYOR TO GRANT A NON-EXCLUSIVE REVOCABLE LICENSE TO THE CLEVELAND BROWNS FOOTBALL ORGANIZATION, LLC, FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A MEDIA PLATFORM ON A PORTION OF PERMANENT PARCEL NO. 362-25-002, AND DECLARING AN EMERGENCY.

WHEREAS, the Cleveland Browns Football Organization, LLC leased a City-owned building at 76 Lou Groza Boulevard and uses this building as their headquarters and practice facility; and

WHEREAS, the City of Berea also owns a public parking lot across the street on Permanent Parcel Number 362-25-002; and

WHEREAS, media outlets covering the Cleveland Browns frequently set-up video cameras in and around the public parking lot, located on City-owned Permanent Parcel Number 362-25-002, to record video of members of the press speaking on camera with the Cleveland Browns' headquarters and practice facility in the background; and

WHEREAS, members of the press and video camera crews are often positioned in close proximity to the vehicular traffic in the parking lot and occupy one or more parking spaces, resulting in a potential safety hazard; and

WHEREAS, the Cleveland Browns have proposed a solution to alleviate these concerns by constructing, at its sole expense, a permanent platform for video camera crews and members of the press to safely set up and record videos in the grass area in front of the parking lot; and

WHEREAS, the Cleveland Browns agree to perform all future maintenance of this platform; and

WHEREAS, the Council of the City of Berea and the Administration agree that granting the license to the Cleveland Browns Football Organization, LLC will provide a safer venue to media outlets covering the Browns, along with a more professional backdrop for media coverage while in the City of Berea.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That subject to the terms and conditions of the Agreement, which is attached hereto as Exhibit A and incorporated herein, the City of Berea grants a revocable License for the purpose of allowing the Cleveland Browns Football Organization to construct and maintain a media platform on a portion of Permanent Parcel Number 362-25-002.

SECTION 2. That the Mayor be and he is hereby authorized to execute a License Agreement with the Cleveland Browns Football Organization, LLC in substantially the form which is attached to this Legislation as Exhibit A and incorporated herein.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of the Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department and for the further reason that the public safety, welfare and health would be best served by the City granting the license to the Cleveland Browns Football Organization, LLC for the purpose of alleviated safety hazards to those individuals driving and parking in the City-owned parking lot. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: October 18, 2021

[Signature]
President of Council

ATTEST: [Signature]
Clerk of Council

APPROVED: October 19, 2021
[Signature]
Mayor

Approved as to Form:

[Signature]
Director of Law

EXHIBIT A

LICENSE AGREEMENT

This **License Agreement** is made by and between the **City of Berea**, an Ohio Municipal Corporation ("**CITY**"), and the **Cleveland Browns Football Company, LLC.**, a Delaware limited liability company ("**CB**"), and sets forth the terms and conditions that relate to the **non-exclusive** use of a portion of land identified as Permanent Parcel Number ("**PPN**") 362-25-002 which is owned by the **CITY**.

In consideration of the grant of this **LICENSE AGREEMENT** to **CB** by the **CITY** for the non-exclusive use of real property owned by the **CITY**, the parties agree as follows:

1. **CB** leases the **City**-owned building at 76 Lou Groza Boulevard and uses this building as their headquarters and practice facility. The City also owns a public parking lot across the street on PPN 362-25-002; and
2. Frequently, the media outlets that cover **CB** set-up video cameras in and around the public parking lot, located on PPN 362-25-002, to record video of members of the press speaking on camera with **CB's** headquarters and practice facility in the background. At times, members of the press and video camera crews have been positioned in close proximity to the vehicular traffic in the parking lot and have occupied one or more parking spaces; and
3. In order to alleviate these concerns, **CB**, at its sole expense, will construct a permanent platform for video camera crews and members of the press to safely set up and record videos in the grass area in front of the parking lot. **CB** agrees to perform all future maintenance of this platform and further agrees that at no point will this platform fall into a state of disrepair.

This **LICENSE AGREEMENT** is non-exclusive and may not be transferred by **CB** without the prior written consent of the **CITY**.

The **CITY** may revoke this **LICENSE AGREEMENT** upon just cause or upon three hundred sixty (360) days advance notice to **CB** via regular mail, sent to the address on file with the Cuyahoga County Fiscal Officer.

The parties to this **LICENSE AGREEMENT** have executed it on the dates set forth below for the purposes stated above.

CITY OF BEREA, OHIO

By: _____

Cyril Kleem
Mayor

10/19/21

Date

**CLEVELAND BROWNS FOOTBALL
COMPNY, LLC.**

By: _____

David A. Jenkins
EVP, Chief Operating Officer

Date