



Legislation Details (With Text)

File #: O-205-19 **Version:** 3 **Name:**
Type: Ordinance **Status:** Mayor's Office
File created: 4/17/2019 **In control:** Law Department
On agenda: 4/30/2019 **Final action:** 4/30/2019

Title: Authorizing the closure of the pedestrian concourse over Summit St. connecting to the Four Seagate parking garage and the city-owned Imagination Station property; authorizing the demolition of said concourse; authorizing an amendment to the May 25, 1983 Concourse Agreement with the George F. Eyde Family, LLC, as successor in interest, and IST Theatre, LLC; authorizing an indemnity agreement with IST Theatre, LLC; authorizing the Commissioner of Transportation to take actions necessary to address safety issues related to removal/demolition of the concourse; and declaring an emergency.

Sponsors: Eileen Granata

Indexes:

Code sections:

Attachments: 1. Audio: Agenda Review 4/23/2019, 2. Audio: City Council 4/30/2019

Date	Ver.	Action By	Action	Result
4/30/2019	3	City Council	Dispense with the rules of Council	Pass
4/30/2019	3	City Council	declare emergency	Pass
4/30/2019	3	City Council	pass	Pass

Bridge Concourse Closure
Law
E. Granata (x-1034)

Authorizing the closure of the pedestrian concourse over Summit St. connecting to the Four Seagate parking garage and the city-owned Imagination Station property; authorizing the demolition of said concourse; authorizing an amendment to the May 25, 1983 Concourse Agreement with the George F. Eyde Family, LLC, as successor in interest, and IST Theatre, LLC; authorizing an indemnity agreement with IST Theatre, LLC; authorizing the Commissioner of Transportation to take actions necessary to address safety issues related to removal/demolition of the concourse; and declaring an emergency.

SUMMARY & BACKGROUND:

The Imagination Station (the Toledo Science Center) is working with private funders and the Ohio Facilities Construction Commission to construct an approximately 8,200 sq. ft addition to the existing Imagination Station facility for the development of a 300-seat large format digital theatre and additional retail or exhibit space. The Theatre will have a 58 foot screen with the ability to play traditional and 3D films. The site plan for the addition to the building has been approved by the Toledo Plan Commission.

In order for this project to proceed it is necessary that the overhead pedestrian concourse connecting to the Four Seagate parking garage and the Imagination Station building (the "Bridge Concourse") be removed. As required by Toledo City Charter Section 190, the Plan Commission approved this change to public

infrastructure as part of the project site plan on March 14, 2019.

While the crosswalks at the street level providing access to Imagination Station are ADA compliant, the administration believes that it is important to review additional potential upgrades to improve accessibility, including making the underground concourses that run between the Vistula parking garage and Imagination Station more accessible by improving access through adjoining doors. As funds for this are available in the approved budget, additional Council authorization is not necessary at this time. Imagination Station will add an additional railing to the ramp from Imagination Station to the hotel and work on improving signage.

The concourse agreement originally executed on May 25, 1983 between the City and Webstrand Limited, to which the George F. Eyde Family, LLC is the successor in interest, provides for various easements and maintenance provisions. The amendment will authorize IST Theatre, LLC to remove the Bridge Concourse at its sole expense and terminate the easements and maintenance requirements under the original agreement.

This ordinance authorizes the closure and demolition of the Bridge Concourse.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the public pedestrian elevated concourse over Summit St. connecting the Four Seagate Parking garage to the city-owned Imagination Station property near the intersection of Adams St. and Summit St. (the "Bridge Concourse") is hereby closed.

SECTION 2. That the physical structure of Bridge Concourse is authorized for removal/demolition by IST Theatre, LLC subject to the following conditions:

- 1) Plans for the removal/demolition shall be submitted to and approved by the City's Division of Engineering.
- 2) Removal shall be coordinated with the Division of Transportation and no removal shall be initiated until steps are taken to physically prohibit access for the protection of pedestrians and vehicular traffic as deemed acceptable to the Division of Transportation, and as may be required by the Director of Public Safety.
- 3) Execution of the agreements provided for in Sections 3 and 4.

SECTION 3. That the Mayor is authorized to execute an amendment to the original Concourse Agreement between the City of Toledo and Webstrand Limited, with the George F. Eyde Family, LLC, as the successor in interest, to include: i) agreement to the removal of the Bridge Concourse, agreement between the parties and IST Theater, LLC ("IST"); ii) that IST shall be responsible for the removal of the Bridge Concourse and subsequent restoration of the support structures; iii) termination, upon removal of the Bridge Concourse, of maintenance provisions and easements; and iv) such other terms and conditions as may be approved by the Law Director and the Mayor.

SECTION 4. That the Mayor is authorized to execute an indemnity agreement with IST Theatre, LLC related to IST's removal of the Bridge Concourse and other items, subject to terms and conditions approved by the Law Director and the Mayor.

SECTION 5. That the Commissioner of Transportation may erect such signs and/or barricades which the Commissioner deems necessary to carry out this closure and allow such temporary closures of adjacent right-of-way, all as may be prudent for public safety and in the best interest of the City.

SECTION 6. That the closure authorized by this Ordinance be properly recorded in the appropriate public record.

SECTION 7. That the City of Toledo reserves exclusive control over access to the right-of-way over Summit St. at this location.

SECTION 8. That this Ordinance is declared to be an emergency measure and shall be in force and take effect from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective to carry out the public purpose of encouraging cultural, educational, and downtown redevelopment opportunities in the City of Toledo, and to enable the Imagination Station project to move forward in time for current construction season.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council