



## Legislation Text

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**File #:** O-471-21, **Version:** 2

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Federal Courthouse - temporary license  
Department of Law  
Eileen Granata (ext. 1020)

**Authorizing the Mayor to enter into a temporary Real Property License Agreement with the Whiting-Turner Construction Co. for a portion of city-owned property adjacent to the federal courthouse property, for the sole purpose of constructing and maintaining a temporary restricted walkway during the construction phase of the Federal Ashley Courthouse expansion and modernization project; making certain findings with respect thereto; and declaring an emergency.**

### SUMMARY & BACKGROUND:

The Whiting-Turner Construction Co. has been selected by the U.S Government Services Administration as the construction manager for the James M. Ashley & Thomas W. L. Ashley U.S. Courthouse Modernization and Annex Project. In order for the construction to proceed and to comply with Federal law and security regulations, it is necessary to construct a temporary restricted, secured walkway from a temporary federal parking lot to the Ashley Courthouse.

Whiting-Turner is requesting temporary access on City property for purposes of constructing a temporary secured, restricted walkway between the Ashley Courthouse and a new temporary secured parking lot, as indicated on the attached Exhibit A. Whiting-Turner will install an 8-foot chain link fence and lay concrete for the walkway between the courthouse and temporary secured parking lot. The contractor has committed to returning the site back to its current condition upon completion of the project. The city-owned property to be licensed is currently zoned Commercial-Office.

Whiting-Turner is requesting to install the secured walkway as soon as possible. The proposed license shall extend through December 31, 2023, but may be terminated by either party upon thirty days (30) days written notice. The Ordinance also authorized an amendment to extend the license should the Ashley Courthouse Project not be completed by Dec. 31, 2023. The consideration for the license agreement shall be one dollar (\$1) per year. Whiting-Turner as licensee shall be solely liable for the cost of any improvements made to the licensed area to accommodate the walkway.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$0
- The expenditure budget line item: NA
- New revenue generated (operational revenue, grants, if any): \$1 annually
- Are funds budgeted in the current fiscal year (yes/no): N/A

- Is this a capital project (yes/no)?: N/A
- If yes, is it new or existing (new/existing)?: N/A
- What section of the City's Strategic Plan does this support:
- Excellence in Basic Services (yes/no) yes
- Quality Community Investment (Livable City, Development) (yes/no) yes
- Workplace Culture & Customer Service (yes/no) no
- Environment (yes/no) no

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

SECTION 1. That the Mayor is authorized to enter into a real property license agreement with The Whiting-Turner Construction Co. with respect to the city-owned Premises shown on attached Exhibit A as the 'License Area' for the purpose of allowing the construction and maintenance of a restricted, secured walkway from a temporary federal courthouse parking lot to the Ashley Courthouse.

SECTION 2. That the license agreement shall be in consideration of One Dollar (\$1.00) payable annually to the City, and shall be for an initial term ending December 31, 2023, subject to termination by either party upon thirty days prior written notice. The license agreement may be extended by amendment upon agreement of the parties should the construction of the Ashley Courthouse modernization and annex project not be completed by the termination date.

SECTION 3. That it is found and determined the subject premises is not needed by the City for any purposes during the term of the license, and that the granting of the license is in the best interest of the City and may be entered into without competitive bidding for the reason that the license is intended for the benefit of the federal government and that the construction and completion of the Ashley Courthouse modernization and annex project and the support of the federal district court's operations during the construction period is in the best interests of the citizens of the city of Toledo.

SECTION 4. That the license agreement shall contain other terms and conditions deemed necessary and proper by the Mayor and the Director of Law.

SECTION 5. That it is found and determined all formal actions of Council concerning and related to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of Council and any of its committees that resulted in such formal action were in meetings and open to the public and in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 6. That this Ordinance is declared to be an emergency measure and shall take effect and be in force immediately 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 health and safety and to provide necessary secured access to the Ashley Courthouse during the construction of the Courthouse modernization and annex project and prevent operational issues for the Federal District Court.

Vote on emergency clause: yeas 12, nays 0.

Passed: September 15, 2021, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

September 15, 2021  
Wade Kapszukiewicz  
Mayor