

# Ordinance No. 309-2022 AS AMENDED

By Council Members Conwell, Bishop,  
Hairston and Griffin (by departmental  
request)

## **AN EMERGENCY ORDINANCE**

Authorizing the Director of Capital Projects to apply for and accept state funding for the rehabilitation of portions of Chester, Stokes, Reserve Court, and Martin Luther King Jr. Blvd adjacent to the Circle Square Development; determining the method of making the public improvement; authorizing the Director of Capital Projects to enter into one or more contracts for the construction and design; to accept gifts or grants; authorize other agreements; authorizing the Commissioner of Purchases and Supplies to acquire real property and easements.

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WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Capital Projects is authorized to apply to the District One Public Works Integrating Committee for state funding for Circle Square Infrastructure along portions of Chester, Stokes, Reserve Court, and Martin Luther King Jr. Boulevard (the "Improvement").

Section 2. That the Director of Capital Projects is authorized to apply to the District One Public Works Integrating Committee for state funding in the form of a loan or grant, or a combination of both, to obtain credit enhancements and loan assistance in support of the city's bonds issued for bridge and road improvements for the Improvement.

Section 3. That the Director of Capital Projects is authorized to accept one or more loans or grants from the Ohio Public Works Commission, acting by and through its Director, to finance the Improvement; that the Mayor is authorized to file all papers and execute all documents necessary to receive the funds under the loan or grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 4. That the Director of Capital Projects is authorized to apply for and accept gifts or grants or other funds from public or private entities, that the Director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes of this ordinance.

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Section 5. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of reconstructing the Improvement, for the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 6. That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 7. That the Director of Capital Projects is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 8. That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Capital Projects from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Capital Projects for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control.

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The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects, and certified by the Director of Finance.

Section 9. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes such real property and temporary and permanent easements as are necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value as determined by the Board of Control.

Section 10. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, review appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 11. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the improvement.

Section 12. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

Section 13. That the cost of the Improvement, property acquisition, easements, or other expenditure authorized in this ordinance shall be paid from Fund Nos. 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586, 20 SF 592, 20 SF 597, 20 SF 702, from the fund or funds to which are credited the proceeds of any future bonds if issued for this purpose, from the fund or funds to which are credited any payment, grant, gift, or other funding accepted under this ordinance, and any funds approved by the Director of Finance for this purpose. (RQS 0103, RL 2022-32)

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Section 14. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

SM:nl  
3-28-22

FOR: Interim Director DeRosa

**Ord. No.**

**REPORT**  
**after second Reading**

Mr.

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**READ FIRST TIME**

**REPORTS**

and referred to

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by the council

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**CITY CLERK**

**READ SECOND TIME**

by the council

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**CITY CLERK**

**READ THIRD TIME**

by the council

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**PRESIDENT**

**CITY CLERK**

**APPROVED**

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**MAYOR**

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