

Ordinance No. 1338-2023

**By Council Members Starr, McCormack,
Bishop and Griffin (by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to apply to the District One Public Works Integrating Committee for state funding for constructing improvements to portions of Carnegie Avenue from Ontario Street to East 55th Street (Phase 3); to apply for and accept any gifts or grants from any public or private entity; determining the method of making the public improvement; authorizing the Director to enter into one or more contracts to construct and implement the improvement; authorizing the Commissioner of Purchases and Supplies to acquire, accept and record real property and easements that are necessary for the improvement; and authorizing other agreements.

WHEREAS, under Article VIII, Section 2k of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

WHEREAS, under Sections 164.03 and 164.04 of the Revised Code, the District One Public Works Integrating Committee has been created to evaluate applications for state financing of capital improvement projects of local subdivisions in Cuyahoga County; and

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 the following infrastructure capital improvement: rehabilitating Carnegie Avenue from Ontario Street to East 55th Street (Phase 3) (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 Finance, or other appropriate Director, is authorized to accept one or more loans or grants from the Ohio Public Works

Ordinance No. 1338-2023

Commission to finance the Improvement; that the the Director of Finance, or other appropriate Director, 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 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 for the Improvement.

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

Section 5. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in this ordinance, 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 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 Improvements 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.

Ordinance No. 1338-2023

Section 7. 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 8. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other entities to obtain services or to acquire property rights such as easements and licenses, necessary for the Improvement.

Section 9 That the Director of Capital Projects, when necessary, is authorized to cause payment to any railroad, the Greater Cleveland Regional Transit Authority, and other entities for payment of any services which were necessary for the Improvement.

Section 10. That the Director of Capital Projects is authorized to apply for and accept any gifts or grants for the Improvement from any public or private entity; and 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 described in this ordinance.

Section 11. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, for infrastructure costs associated with the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 12. 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, accept, and record for right-of-way purposes any real property including but not limited to gift, fee simple acquisitions, temporary easements, permanent easements, and work agreements as is necessary to make the Improvement. The consideration to be paid for the property and easements shall not exceed fair market value, as determined by the Board of Control.

Section 13. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire, accept, and record the property

Ordinance No. 1338-2023

and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 14. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement this ordinance.

Section 15. That the cost of 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, 20 SF 712, 20 SF 718, the fund or funds to which are credited any gift accepted, loan or grant proceeds received under this ordinance, future bond funds if issued for this purpose, cash contributions accepted under this ordinance, and from any other funds approved by the Director of Finance. (RQS 0103, RLA 2023-125)

Section 16. 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.

PMA:nl
11-20-2023
FOR: Director DeRosa

Ord. No. 1338-2023

REPORT
after second Reading

By Council Members Starr, McCormack, Bishop and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to apply to the District One Public Works Integrating Committee for state funding for constructing improvements to portions of Carnegie Avenue from Ontario Street to East 55th Street (Phase 3); to apply for and accept any gifts or grants from any public or private entity; determining the method of making the public improvement; authorizing the Director to enter into one or more contracts to construct and implement the improvement; authorizing the Commissioner of Purchases and Supplies to acquire, accept and record real property and easements that are necessary for the improvement; and authorizing other agreements.

READ FIRST TIME on NOVEMBER 20, 2023
and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Finance Diversity Equity and Inclusion

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **110** Page _____

Published in the City Record _____

PASSAGE RECOMMENDED BY
COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
**FINANCE, DIVERSITY, EQUITY
and INCLUSION**

FILED WITH COMMITTEE
