

Ordinance No. 822-2020

By Council Members B. Jones, Johnson, Brancatelli and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to enter into one or more multi-party agreements regarding the East 66th Street Roadway Improvement Project; authorizing one or more contracts with Osborn Engineering for professional design services; authorizing the Commissioner of Purchases and Supplies to acquire real property and easements; applying for and accepting a grant from the Cleveland Foundation and other grants and gifts from any entities; and authorizing other agreements for the project.

WHEREAS, the East 66th Street Roadway Improvement Project (the “Improvement”) is part of a coordinated effort between several public, private, and civic institutions in an effort to align investment in cultural and community assets with more equitable connectivity to those assets through an improved East 66th Street corridor; 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 enter into one or more multi-party agreements with various public, private, and civic institutions for the design of the Improvement.

Section 2. That the Director of Capital Projects is authorized to enter into one or more contracts with Osborn Engineering for professional services necessary to design the Improvement from Euclid Avenue to Superior Avenue, or to other East 66th Street intersections within the aforementioned limits, for the Office of Capital Projects. The compensation to be paid for the preliminary design services shall not exceed \$250,000 unless additional grant funds or other funds as authorized by the Director of Finance are made available, and the compensation to be paid for other professional design services shall be fixed by the Board of Control.

Section 3. That the Director of Capital Projects is authorized to employ by contract one or more architects, landscape architects, and engineers, or one or more firms of architects, landscape architects, and engineers, necessary for the design of the Improvement. The selection of the consultants for the services shall be made by the

Ordinance No. 822-2020

Board of Control on the nomination of the Director of Capital Projects from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Capital Projects for the purpose of compiling the list. The compensation to be paid for the services shall be fixed by the Board of Control. 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 4. 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 such real property and temporary and permanent easements and work agreements as are necessary for the Improvement. The consideration to be paid for the property shall not exceed fair market value.

Section 5. 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 6. That the Director of Capital Projects is authorized to apply for, accept, and expend a grant from the Cleveland Foundation in an amount up to \$250,000, and to apply for, accept, and expend any gifts or grants from any public or private entity to implement the Improvement, including but not limited to, design drawings and public art; and that the Director is authorized to file all papers and execute all documents and agreements necessary to receive and expend any funds, services, or gifts; and that the funds are appropriated for the purposes described in such documents and in this ordinance.

Ordinance No. 822-2020

Section 7. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies for lines and services in connection with the Improvement.

Section 8. That the Director of Capital Projects is authorized to apply and to 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 9. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement this ordinance.

Section 10. That the cost of the contracts, property acquisition, or other expenditure shall be paid from the fund or funds to which are credited the grant funds or gifts accepted under this ordinance and any other funds approved by the Director of Finance. (RQS 0103, RLA 2020-61)

Section 11. 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
10-21-2020
FOR: Director Spronz

