



City of Cleveland **Memorandum**
Justin M. Bibb, Mayor

Mayor's Office of Capital Projects

Date: January 6, 2023

To: Mark D. Griffin, Chief Legal Counsel
Law Department

From: James D. DeRosa, Director
Mayor's Office of Capital Projects

Subject: CUY SR 008/010_2.26/8.69_
Lorain Bridge over Rocky River, PID 113674
Consent Legislation

This department requests authorization to enter into an agreement with Ohio Department of Transportation giving consent to the Department to repair and paint the pier towers on the existing Lorain Avenue Bridge over Rocky River and Valley Parkway in the Cities of Cleveland and Fairview Park.

The District agrees to assume and contribute the entire cost and expense of the improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of the improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation.

The City agrees to assume and contribute one hundred percent (100%) of the cost of any work included in the construction contract, at the request of the City, which is determined by ODOT Director not to be part of or made necessary by the improvement.

If you have any questions, please contact Richard J. Switalski, Administration Bureau Manager, Division of Engineering and Construction at 216-664-2381.

Thank you for your co-operation in this matter.

Encl.

Cc: Ryan Puente, Chief Government Affairs Officer
Bradford J. Davy, Chief of Staff
Bonita G. Teeuwen, Chief Operating Officer
Richard Switalski, Administration Bureau Manager, Division of Engineering & Const.
Meredith Carey, Legislative Liaison
Nancy Lanzola, Department of Law

LEGISLATIVE SUMMARY
MAYOR'S OFFICE OF CAPITAL PROJECTS
Division of Engineering and Construction

CUY SR008/010_2.26/8.69, PID 101971

Ordinance No. 108-2023

Purpose: This Department requests legislation to grant consent to ODOT to construct the improvement on Lorain Avenue Bridge over Rocky River and to authorize the Director of Capital Projects to enter into one or more agreements with ODOT to make the improvement.

Description: ODOT will arrange for the preparation of construction plans and specifications, including engineering reports, and for the supervision and administration of the construction cost and contribute 100% of the eligible costs. The improvements include repair and painting of the pier towers that support the Lorain Avenue Bridge Deck over Rocky River in the Cities of Cleveland and Fairview Park.

Construction Estimate: \$7,520,000

Funding Source: 100% – Ohio Department of Transportation

Schedule: June 2023 to November 10, 2024

Ward: 17, Councilmember Slife



Justin M. Bibb, Mayor

Location Map

Repair Steel Piers and Paint – Lorain Bridge over Rocky River and Valley Parkway



12/6/2022

PRELIMINARY LEGISLATION

(LPA-ODOT-Let Project Agreement)

(CONSENT)

Ordinance # : _____

PID No. : **113674**

County/Route/Section : **CUY SR 008/010 02.26/08.69**

The following is an ordinance enacted by the **City of Cleveland** of **Cuyahoga** County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the STATE has determined the need for the described project:

Repair and paint the pier towers on the existing CUY-10-0869 bridge (Lorain Avenue) over the Rocky River and Valley Parkway in the Cities of Cleveland and Fairview Park. Includes repairs of cover plates, expansion joints and drainage system.

NOW THEREFORE, be it ordained by the **City of Cleveland** of **Cuyahoga** County, Ohio.
(LPA)

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The State shall assume and bear 100% of all of the costs of the improvement.

The LPA agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV Authority to Sign

The LPA hereby authorizes _____ of said _____ to
(Signature authority) (LPA-or its division, department or agency)

enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

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Upon request of ODOT, the _____ is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Cleveland to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

(Signature authority)

(LPA)

SECTION V – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION VI – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VII-Emergency measure

(as applicable)

The **ordinance** is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023.

(Date)

Attested: _____

(Clerk)

(Contractual Agent of LPA – title)

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**CERTIFICATE OF COPY
STATE OF OHIO**

City of Cleveland of Cuyahoga County, Ohio
(LPA)

I, _____, as Clerk of the **City of Cleveland**
(LPA)
of Cuyahoga County, Ohio, do hereby certify that the foregoing is a true and correct copy of
ordinance adopted by the legislative Authority of the said

City of Cleveland on the _____ day of _____, 2023.
(LPA)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this _____ day of _____ 2023.

SEAL

(Clerk)

City of Cleveland of Cuyahoga County, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)