

Ordinance No. 705-2023

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

AN EMERGENCY ORDINANCE

Giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio to construct the Ramp Safety Improvement Project at West Boulevard and Interstate 90; and authorizing agreements.

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio (“the State”) to construct the following improvement under plans, specifications, and estimates approved by the State: the Ramp Safety Improvement Project at West Boulevard and Interstate 90, which includes construction of a splitter island and median at the intersection of the IR-90 eastbound exit ramp with West Boulevard in the City of Cleveland, and pavement widening, new traffic signal, and traffic control, PID 119472 (the “Improvement”).

Section 2. That the City gives its consent to the Improvement and its administration by the State, provided that this ordinance shall not be construed to impose any financial obligation on the City for the Improvement, except that the City agrees to assume and contribute 100% of the cost of any item, included in the construction contracts at the request of the City, which are determined by the State to be ineligible or unnecessary for the Improvement.

Section 3. That the Director of Capital Projects is authorized to enter into agreements with the State necessary to complete the planning and construction of the Improvement.

Section 4. Authority to Sign. That the Director of Capital Projects is authorized to enter into contracts with the Director of Transportation which are necessary to develop plans for and to complete the Improvement; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement. Upon request of ODOT, the Director of Capital Projects is also empowered to execute any appropriate documents to affect the assignment of all rights,

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title, and interests of the City to ODOT 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.

Section 5. Utilities and Right-of-Way Statement. That the City agrees that all right-of-way required for the Improvement will be be acquired and/or made available in accordance with current State and Federal regulations. The City also understands that right-of-way costs include eligible utility costs. The City agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 6. Maintenance. Upon completion of the Improvement, and unless otherwise Agreed, the City shall (1) provide adequate maintenance for the Improvement in accordance with all applicable state and federal laws, including but not limited to, Title 23 U.S.C. 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Improvement; (3) maintain the right-of-way keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 7. That this Council requests the State to proceed with the Improvement.

Section 8. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

Section 9. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 10. 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.

VG:nl
6-5-2023
FOR: Director DeRosa

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REPORT
after second Reading

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READ FIRST TIME on JUNE 5, 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

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COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

FILED WITH COMMITTEE

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COMMITTEE ON
FINANCE, DIVERSITY, EQUITY
and INCLUSION

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