

# Ordinance No. 125-2020

**Council Members McCormack, Johnson, Brancatelli and Kelley (by departmental request)**

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to employ one or more professional consultants to design Phase I of the Downtown Connector Trail; authorizing a Local Public Agency agreement with the Ohio Department of Transportation; applying and accepting any gifts, grants or other funding; authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property or easements; and authorizing other agreements.

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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 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 Phase I of the Downtown Connector Trail (the “Design”).

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

Section 2. That the Director of Capital Projects is authorized to enter into a Local Public Agency agreement with the Ohio Department of Transportation to partially finance the Design.

Section 3. That the Mayor is authorized to apply for and accept any gifts of cash, services, or property, and any grants or other funding from any public or private entity or source, including Federal funds in the approximate amount of \$1,500,000 to partially finance the Design; and that the Director is authorized to file all papers and

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execute all documents necessary to receive any funds; and that the funds are appropriated for the purposes described in this ordinance.

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 for right-of-way purposes such real property or temporary or permanent easements that are necessary for the Design. The consideration to be paid for the property or easements 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 to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary to acquire, accept, and record the property or easements.

Section 6. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, the 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 Design.

Section 7. That the Director of Capital Projects is authorized to accept a cash contribution from public or private entities, for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Design. The Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

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

Section 9. That the cost of the contracts and other expenditures authorized in this ordinance shall be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586, from the fund or funds to which are credited the proceeds from the sale of any future

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bonds issued for this purpose, from the fund or funds to which are credited any cash, grants, or other funding, including Federal funds received for this purpose, and any other funds approved by the Director of Finance for this purpose. (RQS 0103, RL 2019-11)

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.

RC:nl  
1-27-20

FOR: Director Spronz

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## REPORT after second Reading

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(by departmental request)**

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**READ FIRST TIME on JANUARY 27, 2020**

**REPORTS**

**and referred to DIRECTORS of Capital Projects,  
City Planning Commission, Finance, Law;  
COMMITTEES on Municipal Services and Properties,  
Development Planning and Sustainability, Finance**

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**CITY CLERK**

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**READ SECOND TIME**

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**CITY CLERK**

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**READ THIRD TIME**

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**PRESIDENT**

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**CITY CLERK**

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**APPROVED**

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**MAYOR**

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

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**DEVELOPMENT, PLANNING AND  
SUSTAINABILITY**

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**FINANCE**

FILED WITH COMMITTEE

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