

Ordinance No. 108-2023

**By Council Members 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 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; 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: repair and paint the pier towers on the existing Lorain Avenue Bridge over Rocky River and Valley Parkway (CUY-10-0869) in the cities of Cleveland and Fairview Park, which includes repairs of cover plates, expansion joints, and the drainage system, PID 113674 (the “Improvement”).

Section 2. Consent and Cooperation

That the City shall cooperate with the Director of Transportation in the development and construction of the Improvement 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 Improvement. The City gives its consent to the Director of Transportation to complete the Improvement as detailed in the LPA Federal ODOT Let Project Agreement entered into between the parties, if applicable. The State shall assume and bear 100% of all of the costs of the Improvement and this ordinance shall not be construed to impose any financial obligation on the City for the Improvement. However, the City agrees to assume and contribute 100% of the cost of any work included in the construction contract at the request of the City, which is determined by the State and Federal Highway Administration to be ineligible or unnecessary for the Improvement.

Section 3. 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, title, and interests of the City to ODOT from any agreement with its consultant in order to allow ODOT to direct additional or corrective

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work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 4. Utilities and Right-of-Way Statement

The City agrees that all right-of-way for the Improvement will 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 5. Maintenance

That on 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 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 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 6. That this Council requests the State to proceed with the Improvement.

Section 7. 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 8. 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
1-23-2023
FOR: Director DeRosa

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REPORT
after second Reading

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READ FIRST TIME on JANUARY 23, 2023

REPORTS

and referred to DIRECTORS of Capital Projects, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Finance Diversity Equity and Inclusion

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

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

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