

Ordinance No. 1353-2024

**By Council Members McCormack, 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 stabilize the foundation of the Tower B of the Detroit-Superior Bridge also known as the Veterans Memorial Bridge; 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. Project Description.

That it is declared to be in the public interest that the consent of the City of Cleveland, to be referred to as the Local Public Agency (the "LPA"), is given to the Director of the Ohio Department of Transportation ("ODOT") to construct the following improvement under plans, specifications, and estimates approved by ODOT: stabilize the foundation of Tower B of the Detroit-Superior Bridge also known as the Veterans Memorial Bridge with the ODOT designation of "CUY US 006 14.56 Tower B" and PID No. 115039 (the "Improvement").

Section 2. Consent Statement

That the City gives consent to the Director of Transportation to complete the Improvement as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

Section 3. Cooperation Statement

The City shall cooperate with the Director of Transportation in the development 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.

ODOT shall assume and bear one hundred percent (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.

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

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determined by ODOT and the Federal Highway Administration to be ineligible or unnecessary for the Improvement.

Section 4. Authority to Sign

That the Director of Capital Projects is authorized to enter into contracts with the Director of Transportation that 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 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.

Section 5. 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 C.F.R. Part 645 and the ODOT Utilities Manual.

Section 6. 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, 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 and keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

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Section 7. That this Council requests ODOT 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 ODOT 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.

PMA:nl
12-2-2024
FOR: Director DeRosa

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REPORT
after second Reading

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READ FIRST TIME on DECEMBER 2, 2024
and referred to DIRECTORS of Capital Projects, 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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PASSAGE RECOMMENDED BY
COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

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

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