

Ordinance No. 926-2026

By Council Members Bishop
and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Directors of Capital Projects and/or City Planning to apply for and accept grants from the Ohio Department of Transportation for the 2024 Pedestrian Safety Improvement Program to implement safety improvements at various sites throughout the City; to apply for and accept any gifts or grants from any public or private entity; giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio to construct the safety improvements; authorizing the Director of Capital Projects to enter into any relative agreements; and causing payment to the State for the City’s share of the improvement.

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 Directors of Capital Projects and/or City Planning (“Director” or “Directors”) is authorized to apply for and accept grants in the approximate cumulative amount of \$1,640,368 from the Ohio Department of Transportation for the 2024 Pedestrian Safety Improvement Program to implement safety improvements at various sites throughout the City, and any other funds from public or private entities that may become available, to construct safety improvements at various sites; that the Directors are authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in the legislative summary for the grant contained in the file described below.

Section 2. That the legislative summary for the grant, File No. 926-2026-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide an estimated sum of \$455,657.65 in cash matching funds is approved in all respects.

Section 3. That the Director of Capital Projects and/or City Planning, as appropriate, is authorized to extend the term of the grants during the grant terms.

Section 4. 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”, the “Director of Transportation” or “ODOT”) to construct various safety

Ordinance No. 926-2026

improvements at up to 18 sites throughout city, which is depicted in the Cuyahoga County GIS view pages located in the file referenced above, PID No. 124876 (the “Improvement”).

Section 5. Consent Statement

That being in the public interest, the City gives consent to the State to complete the Improvement as detailed in the LPA-ODOT-Let Project Agreement entered into between the parties, if applicable.

Section 6. Cooperation Statement

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.

That the City agrees to participate in the cost of the Improvement. The City 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 bear one hundred percent (100%) of the cost of engineering, right-of-way, and environmental documentation.

The City further agrees to pay one hundred percent (100%) of the cost of those features requested by the City, which are determined by the State and Federal Highway Administration to be ineligible or unnecessary for the Improvement.

The City further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the City. The City shall contribute its share of the cost of these items in accordance with other sections herein.

Ordinance No. 926-2026

The City agrees that if Federal funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Section 7. Authority to Sign

That the Director of Capital Projects is authorized to enter into and execute 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 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 8. Utilities and Right-of-Way Statement

That 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.

Ordinance No. 926-2026

Section 9. 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 10. That, if needed for this Improvement:

(a) The Director of Capital Projects is authorized to apply for and accept any gifts, grants, or other funding for the Improvement from any public or private entity; and that the Director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes necessary for the Improvement;

(b) 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 Improvement;

(c) The Director of Capital Projects is authorized to accept cash contributions from public or private entities for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement;

(d) The Director of Capital Projects is authorized to cause payment any railroad, the Greater Cleveland Regional Transit Authority, and other entities for payment of any services, when required, which were necessary to construct the Improvement;

(e) The Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the Improvement; and

(f) The Director of Capital Projects is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 11. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement this Improvement.

Ordinance No. 926-2026

Section 12. That this Council requests the State to proceed with the Improvement.

Section 13. That the Clerk of Council is authorized and directed to transmit to ODOT three (3) certified copies of this ordinance immediately upon its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 14. That this Council authorizes payment to ODOT for the City's share of the Improvement in the estimated sum of \$455,657.65, which may be adjusted in order that the City's ultimate share of the Improvement shall correspond with the percentages of actual costs when the actual costs are determined. This amount and the cash matching funds for the grant, will be payable from Fund No. 01-001-6925, or any cash gifts, grants, or cash contributions received from public or private entities are received, and any all funds approved by the Director of Finance. (RQS 0103, RLA 2026-78)

Section 15. 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:uo
8-19-26
FOR: Director DeRosa

Ord. No. 926-2026

[File No. 926-2026-A]

By Council Members Bishop and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Directors of Capital Projects and/or City Planning to apply for and accept grants from the Ohio Department of Transportation for the 2024 Pedestrian Safety Improvement Program to implement safety improvements at various sites throughout the City; to apply for and accept any gifts or grants from any public or private entity; giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio to construct the safety improvements; authorizing the Director of Capital Projects to enter into any relative agreements; and causing payment to the State for the City’s share of the improvement.

READ FIRST TIME on AUGUST 19, 2026
and referred to DIRECTORS of Capital Projects, City Planning Commission, Finance and 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

REPORT
after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE