

Ordinance No. 948-2020

By Council Members: Santana, Johnson, Brancatelli and Kelley (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 safety improvements on Interstate 71; and authorizing the Director of Capital Projects to enter into any relative 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: revise the configuration of the collector-distributor road just south of the Interstate 90 ramp merge to I-71 southbound three lanes and SR 176 southbound access; improve the ramp from Valentine Avenue/West 14th Street to southbound SR 176 to mitigate capacity constraints to the north; and reconstruct or revise overhead guide signs on the improved collector-distributor road, PID 110851 (the “Improvement”).

Section 2. That the City gives its consent to the Improvement and its administration by the Director of Transportation provided that this ordinance shall not be construed to impose any financial obligation on the City for the Improvement. The City shall cooperate with the State in the development and construction of the Improvement and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well any other agreements necessary to develop and construct the Project. However, 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 Director of Transportation and Federal Highway Administration to be ineligible or unnecessary for the Improvement.

Section 3. Authority to Sign. The City authorizes the Director of Capital Projects 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 preliminary engineering 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 4. Utilities and Right-of-Way Statement. That the City agrees that all right-of-way required 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 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 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 ODOT to proceed with the Improvement.

Section 7. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

Section 8. 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 9. 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.

Passed March 29, 2021.

Effective March 30, 2021.