

Ordinance No. 708-2024

**By Council Members Bishop, Hairston
and Griffin (by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to apply and accept one or more grants from Team NEO to support activities associated with the reconstruction of Redwood Road; determining the method of making the public improvement; authorizing the Director to enter into one or more public improvement contracts, professional services, and other agreements; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes any real property and easements necessary for 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 Director of Capital Projects is authorized to apply for and accept one or more grants in the approximate amount of \$750,000, and any other funds that may become available during the grant term from Team NEO to support activities associated with the reconstruction of Redwood Road; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 2. That the legislative summary for the grant, **File No. 708-2024-A**, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$250,000, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of reconstructing a portion of Redwood Road from Nottingham Road to Cochran Avenue (the "Improvement"), for the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 4. That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

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Section 5. That 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 6. 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 for the Improvement, including but not limited to construction administrative services.

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 7. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies for payment of any services which were necessary to implement the Improvement.

Section 8. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, for infrastructure costs associated with the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 9. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other

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entities to obtain services or to acquire property rights such as easements and licenses, necessary for the Improvement.

Section 10. That the Director of Capital Projects, when necessary, is authorized to cause payment to any railroad, the Greater Cleveland Regional Transit Authority, and other entities for payment of any services which were necessary to construct the improvements described in this ordinance.

Section 11. That the Director of Capital Projects is authorized to apply for and accept any gifts or grants 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 described in this ordinance.

Section 12. 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, accept, and record for right-of-way purposes any real property including but not limited to fee simple acquisitions, temporary easements, permanent easements, and work agreements as is necessary for the Improvement. The consideration to be paid for the property and easements shall not exceed fair market value, as determined by the Board of Control

Section 13. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire, accept, and record the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 14. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement this ordinance.

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Section 15. That the cost of this ordinance, including the cash match, shall be paid from Fund Nos. 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586, 20 SF 592, 20 SF 597, 20 SF 702, 20 SF 712, 20 SF 718, the fund or funds to which are credited any gift or grant proceeds accepted under this ordinance, the cash match, cash contributions accepted and appropriated under this ordinance, and from any other funds approved by the Director of Finance, including future bond funds if issued for this purpose. (RQS 0103, RLA 2024-59)

Section 16. 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
7-10-2024
FOR: Director DeRosa

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(by departmental request)**

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**READ FIRST TIME on JULY 10, 2024
and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability,
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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Published in the City Record _____

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COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

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COMMITTEE ON
**DEVELOPMENT, PLANNING AND
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