

# Ordinance No. 762-2023

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

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to enter into one or more agreements with Cuyahoga County and the City of Shaker Heights relating to the improvement of Lee Road from Miles Avenue to Invermere Avenue; to apply for and accept CMAQ funds and gifts and grants from various entities; authorizing other necessary agreements; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes real property and easements necessary to make the Improvement.

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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 enter into one or more agreements with Cuyahoga County and/or the City of Shaker Heights for the funding, design, construction and construction administration for the rehabilitation of a portion of Lee Road from Miles Avenue to Invermere Avenue (the "Improvement").

Section 2. 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 3. 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 to design the Improvement.

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.

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Section 4. That the Director of Capital Projects is authorized to apply to the Northeast Ohio Areawide Coordinating Agency (NOACA) for Congestion Mitigation Air Quality (“CMAQ”) funding; that the Director of Capital Projects 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 5. That the Director of Capital Projects is authorized to apply for and accept gifts or grants or other funds from public or private entities, and enter into one or more agreements with entities applying for and accepting gifts or grants or other funds on behalf of the City; 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 of this ordinance.

Section 6. That 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 Improvements. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 7. 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 to make 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 8. 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,

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appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 9. That the Director of Capital Projects is authorized to enter into any agreements needed to implement the Improvements, including but not limited to, multi-party agreements between the City and other governmental entities regarding the funding and construction of the Improvements.

Section 10. That the cost of this ordinance 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, the fund or funds to which are credited any gift or grant proceeds accepted under this ordinance, cash contributions accepted and appropriated under this ordinance, and from any and all funds approved by the Director of Finance, including future bond funds if issued for this purpose. (RQS 0103, RL 2023-69)

Section 11. 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.

SM:nl  
7-12-2023  
FOR: Director DeRosa

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REPORT  
after second Reading

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READ FIRST TIME on JULY 12, 2023

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

REPORTS

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CITY CLERK

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READ SECOND TIME

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CITY CLERK

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READ THIRD TIME

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PRESIDENT

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CITY CLERK

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APPROVED

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MAYOR

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**MUNICIPAL SERVICES  
AND PROPERTIES**

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

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