

Ordinance No.770-2026

**By Council Members Starr, Howse-Jones,
Bishop, Santana and Griffin
(by departmental request)**

AN EMERGENCY ORDINANCE

Giving consent to the Norfolk Southern Corporation to proceed with the improvement of replacing the Superior Avenue Railroad Bridge and railroad track and replacing and repositioning support columns under the bridge on Superior Avenue located north of Central Avenue S.E. to East 26th Street at no cost to the City; and authorizing the Director of Capital Projects to enter into any agreements relative to the improvement.

WHEREAS, under Ordinance No. 20457, passed February 20, 1911, this Council, among other things, provided for the elimination of grade crossings along the line of the Cleveland & Pittsburg Railroad, operated by The Pennsylvania Company, assignee of the Pennsylvania Railroad Company, in the City of Cleveland from north of Central Avenue S.E. to East 26th Street and to grant to the Pennsylvania Railroad Company, and its lessees, successors, and assigns, the right to maintain masonry abutments at the lines of and steel columns or supports in various streets and highways; and

WHEREAS, Norfolk Southern Corporation (“Norfolk Southern”) is the current operator and successor to the Pennsylvania Railroad Company; and

WHEREAS, Norfolk Southern wishes to replace the Superior Avenue Railroad Bridge and track, and replace and reposition the support columns under the bridge on Superior Avenue located north of Central Avenue S.E. to East 26th Street at no cost to the City; and

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 Norfolk Southern to construct the following improvement at no cost to the City under plans, specifications, and estimates approved by Norfolk Southern: replace the Superior Avenue Railroad Bridge and the railroad track, and replace and reposition the support columns under the bridge (“the Improvement”). Norfolk Southern shall be responsible for all maintenance costs associated with maintaining the Improvement.

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Section 2. That the City gives its consent to the Improvement and its administration by Norfolk Southern providing that this ordinance shall not impose any financial obligation on the City for the Improvement.

Section 3. That the Director of Capital Projects is authorized to enter into one or more agreements with Norfolk Southern necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. That on completion of the Improvement, the City will:

- (a) Keep the affected highway open to traffic at all times; and
- (b) Maintain the right-of-way and keep it free of obstructions and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands, or other private installations within the limits of the right-of-way.

Section 5. At all relevant times, the following shall be observed:

- (a) That all existing streets and public right-of-way within the City that are necessary for the Improvement shall be made available;
- (b) That, in the event any additional right-of-way is required for the Improvement, Norfolk Southern shall arrange for its acquisition;
- (c) That arrangements have been or will be made with and agreements obtained from all utility companies whose lines or structures will be affected by the Improvement. That the companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement. That the companies have agreed to make necessary rearrangements immediately after notification by the City to Norfolk Southern;
- (d) That, if applicable, Norfolk Southern, at its own expense, shall make all rearrangements of water mains, service lines fire hydrants, valve boxes, sanitary sewers, or other City-owned utilities and appurtenances which do not comply with the

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preparation of ODOT Directive No. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement;

(e) That the construction, reconstruction, and rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the current ODOT Construction and Material Specifications and shall be subject to approval by Norfolk Southern;

(f) That the installation of all utility ductlines on the right-of-way shall conform with the requirements of Title 23 CFR and the ODOT Utilities Manual.

Section 6 That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with Norfolk Southern and other entities to obtain services or to acquire property rights, such as easements and licenses, necessary to construct the Improvement.

Section 7. That the Director of Capital Projects, when necessary, is authorized to pay any railroad, the Greater Cleveland Regional Transit Authority, and other entities for payment of any services which were necessary to construct the Improvement.

Section 8. That the Director of Capital Projects is authorized to accept a cash contribution from public or private entities for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement.

Section 9. That the Director of Capital Projects, when necessary, 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.

Section 10. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

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Section 11. That this Council requests Norfolk Southern to proceed with the Improvement.

Section 12. That the Clerk of Council is directed to transmit three certified copies immediately upon its taking effect, and shall become the basis for Norfolk Southern for proceeding with the Improvement.

Section 13. 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
7-15-26

FOR: Director DeRosa

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READ FIRST TIME on JULY 15, 2026 **REPORTS**
and referred to DIRECTORS of Capital Projects, City Planning Commission, Finance and Law;
COMMITTEES on Municipal Services and Properties,
Development, Planning and Sustainability,
Finance, Diversity, Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

REPORT after second Reading

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY

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FINANCE, DIVERSITY, EQUITY
and INCLUSION