

Ordinance No. 472-2021

By Council Members McCormack, Bishop and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of constructing the retaining wall on Carter Road; authorizing the Director of Capital Projects to enter into one or more contracts for the construction and design; to accept gifts or grants; to enter into other agreements; authorizing the Director of Capital Projects to enter into option to acquire agreements with property owners within the project site; and authorizing the Commissioner of Purchases and Supplies to acquire real property and easements.

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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the retaining wall on Carter Road needed for slope stabilization (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 2. That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the public 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.

Section 3. 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 4. 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.

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The selection of the consultant or 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 5. 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 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 6. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, review appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 7. That the Director of Capital Projects is authorized to enter into option agreements with the owners of parcels within the project limits for the donation or purchase of property needed by the City. The consideration to be paid for the option or options shall not exceed fair market value, as determined by the Board of Control.

Section 8. That the Director of Capital Projects is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and that the Director is authorized to file all papers and execute all documents necessary to receive

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any funds or services; and that the funds are appropriated for the purposes described in this ordinance.

Section 9. That, when appropriate, 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 or licenses, necessary to construct 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 Improvement.

Section 11. 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. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 12. That 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.

Section 13. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

Section 14. That the cost of the Improvement, property acquisition, easements, or other expenditure authorized in 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, from the fund or funds to which are credited the proceeds of any future bonds if issued for this purpose, from the fund or funds to which are credited any payment, grant, or gift accepted under this

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ordinance, and any funds approved by the Director of Finance for this purpose. RQS
0103, RLA 2021-39.

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.

SM:nl
6-7-2021
FOR: Interim Director Spronz

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REPORT
after second Reading

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READ FIRST TIME on JUNE 7, 2021

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

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 _____

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

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

