

Ordinance No.353-2026

Desk copy prepared for April 20, 2026

AN EMERGENCY ORDINANCE

Giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio to install a Dynamic Message System, a Queue Warning System Lite, queue detection cameras, and associated infrastructure at various locations along IR-90 and SR-176 in the City of Cleveland; accepting gifts and grants, acquiring, accepting, and recording necessary rights-of-way; and authorizing 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. Project Description. That it is declared to be in the public interest to construct the following improvement under plans, specifications, and estimates approved by the Director of Transportation of the State of Ohio (the "State", the "Director of Transportation" or "ODOT"): installation of a Dynamic Message System, a Queue Warning System Lite, queue detection cameras, and associated infrastructure at various locations along IR-90 and SR-176 in the City of Cleveland (PID No. 122285) (the "Improvement").

Section 2. Consent Statement. That being in the public interest, the City of Cleveland (the "City") gives consent to the State to complete the Improvement as detailed in the LPA-ODOT-Let Project Agreement entered into between the parties, if applicable.

Section 3. Cooperation Statement. That 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 as other agreements necessary to develop and construct the Improvement.

That this ordinance shall not be construed to impose any financial obligation on the City for the Improvement and that the State shall assume and bear one hundred percent (100%) of all of the costs of the Improvement. However, the City agrees to assume and contribute one hundred percent (100%) of the cost of any items included in the construction contract at the request of the City, which are determined by the

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State and the Federal Highway Administration, not to be eligible or necessary for the Improvement.

Section 4. Authority to Sign. The Director of Capital Projects is authorized to enter into and execute contracts with the State which are necessary to develop plans for and to complete the above-described Improvement; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the improvement.

Upon request of ODOT, the Director of Capital Projects is also empowered to execute any appropriate documents to affect the assignments of all rights, title, and interests of the City to ODOT arising from any agreement with its consultants 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 5. Utilities and Right-of-Way Statement. The City agrees that all right-of-way required for the described project 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 6. Maintenance. 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,~~

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keeping it free of obstructions, and (4) hold said right of way inviolate for public highway purposes.

Section 6. Upon completion of the improvement and unless otherwise agreed, ODOT shall, at its sole cost, maintain, repair, and replace all newly installed devices related to the Dynamic Message System and the Queue Warning System. This shall not change any existing agreements regarding the maintenance of IR-90 and SR-176 that may exist between the City and the State of Ohio.

Section 7. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Mayor and the Commissioner of Purchases and Supplies are 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 if 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 enter into any agreements necessary for the Improvement.

Section 9. That this Council requests the State to proceed with the Improvement.

Section 10. That the Clerk of Council is authorized and directed to transmit to ODOT three (3) certified copies of this ordinance immediately upon its taking effect, and it shall become the basis for proceeding with the Improvement.

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.

PMA:nl

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3-23-26

FOR: FOR: Director DeRosa

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REPORT
after second Reading

Mr.

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READ FIRST TIME

REPORTS

and referred to _____

by the council _____

CITY CLERK

READ SECOND TIME

by the council _____

CITY CLERK

READ THIRD TIME

by the council _____

PRESIDENT

CITY CLERK

APPROVED

MAYOR

