

# Ordinance No. 213-2023

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

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to apply for and accept a grant from the United States Department of Transportation for the Reconnecting Cleveland I-90 Program; authorizing the Director to employ one or more professional consultants to provide a feasibility study for the I-90 corridor between East 22<sup>nd</sup> Street and Martin Luther King, Jr. Drive; authorizing other agreements; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes real property and easements.

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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 apply for and accept a grant in the amount of \$1,600,000, from the United States Department of Transportation to conduct the Reconnecting Cleveland I-90 Program feasibility study for the I-90 corridor between East 22<sup>nd</sup> Street and Martin Luther King, Jr. Drive; 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 the legislative summary for the grant contained in the file described below.

Section 2. That the legislative summary for the grant, **File No. 213-2023-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 \$400,000 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, from the fund or funds which are credited the proceeds of the sale of future bonds, provided however, that any bond funds are approved by bond counsel for this purpose, and any other funds approved by the Director of Finance, is approved in all respects and shall not be changed without additional legislative authority.

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 provide a feasibility study for the I-90 corridor between East 22<sup>nd</sup> Street and Martin Luther King, Jr. Drive.

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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 4. 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, and permanent easements necessary to implement the grant. The consideration to be paid for the property and easements shall not exceed fair market value to be determined by the Board of Control.

Section 5. 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 to implement the grant.

Section 6. That the Director of Capital Projects is authorized to enter into any agreements, including but not limited to work agreements and right of entry agreements, needed to implement the grant and to apply for permits, licenses, or other authorizations required by an regulatory agency or public authority to permit performance of the grant.

Section 7. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with railroads, the Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District, the Ohio Department of Transportation, and other public or private entities to obtain services or

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to acquire property rights such as easements and licenses, necessary to implement the grant.

Section 8. That the Director of Capital Projects is authorized to apply for and accept gifts or grants or other funding from public or private entities, 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 9. That under Section 108(b) of the Charter, the services authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Capital Projects may sign all documents that are necessary to obtain such services, and may enter into one or more contracts with the consultants selected through that cooperative process.

Section 10. That the cost of the contracts, payments, property acquisition, agreements, or other expenditures authorized in this ordinance, shall be paid from the fund or funds to which are credited any gift, grant, or other funds received under this ordinance, the cash match, from cash contributions accepted and appropriated under this ordinance, 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, from the fund or funds which are credited the proceeds of the sale of future bonds, provided however, that any bond funds are approved by bond counsel for this purpose, and any other funds approved by the Director of Finance.

(RQS 0103, RLA 2023-26)

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.

JS:nl  
2-13-2023  
FOR: Director DeRosa

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

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**READ FIRST TIME on FEBRUARY 13, 2023  
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**

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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**

\_\_\_\_\_  
**MAYOR**

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Published in the City Record \_\_\_\_\_

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

FILED WITH COMMITTEE

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
SUSTAINABILITY**

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**PASSAGE RECOMMENDED BY  
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FINANCE, DIVERSITY, EQUITY  
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