

# Ordinance No. 1218-2025

Desk copy prepared for 10-27-25 meeting

## **AN EMERGENCY ORDINANCE**

Determining the method of making the public improvement of constructing high-comfort pedestrian and bicycle improvements at various locations; authorizing the Director of the City Planning Commission, Public Works and/or Capital Projects, as appropriate, to enter into one or more public improvement and professional services contracts needed for the improvement; authorizing the Mayor and the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes real property and easements; authorizing the Director to accept rights-of-entry from private property owners; authorizing the Director to enter into various written standard purchase and requirement contracts needed to effectuate this ordinance, including electric/no-emission vehicles and equipment; and to enter into other agreements or execute documents necessary to conduct the program.

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WHEREAS, under Ordinance No. 851-2025, passed July 9, 2025, the Director of the City Planning Commission applied for and accepted a grant from the Northeast Ohio Areawide Coordinating Agency in the amount of \$5,450,000.00 for the Congestion Mitigation and Air Quality 2025 grant program, which included pedestrian and bicycle improvements recommended in the Cleveland Moves multi-modal transportation plan and City fleet electrification (the "CMAQ Grant"); 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvements of constructing high-comfort pedestrian and bicycle improvements in accordance with the Cleveland Moves 5-year multimodal transportation plan, at the following locations:

1. East 55<sup>th</sup> Street from Opportunity Corridor to Broadway Avenue.
2. Ontario Street from Lakeside Avenue to Huron Road.
3. Lakeside Avenue from West 9<sup>th</sup> Street to East 13<sup>th</sup> Street.
4. Berea Road from Triskett Road to Detroit Avenue.
5. St. Clair Avenue from East 55<sup>th</sup> Street to East 101<sup>st</sup> Street.
6. West 44<sup>th</sup> Street from Franklin Boulevard to Bush Avenue.
7. Randall/West 41<sup>st</sup> Street from Woodbine Avenue to Bush Avenue.
8. Fulton Road from Bush Avenue to Park Drive.

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9. Detroit Avenue from Berea Road to West Boulevard.
10. Jennings Road from Treadway Creek Trail to the Towpath Trail.
11. West Boulevard from Detroit Avenue to Lake Avenue.
12. Community College Drive from Cedar Avenue to Outhwaite Avenue.
13. Abbey Avenue from West 11<sup>th</sup> Street to Lorain Avenue.
14. Walworth Avenue from West 53<sup>rd</sup> Street to Junction Road.
15. Dick Goddard Way from East 55<sup>th</sup> to Horizon Academy driveway

(the "Improvement"), for the City Planning Commission, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a unit basis for the Improvement.

Section 2. That the Director of the City Planning Commission, Public Works and/or Capital Projects, as appropriate, ("appropriate Director") is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding for 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 for a unit basis.

Section 3. That the appropriate Director 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 appropriate Director 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 for the Improvement and to perform any community engagement activities to implement the CMAQ Grant.

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The selection of the consultants for the services shall be made by the Board of Control on the nomination of the appropriate Director from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the appropriate Director 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 appropriate Director and certified by the Director of Finance.

Section 5. That the appropriate Director is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the appropriate Director, for the necessary items of materials, equipment, supplies, services and labor necessary to implement the CMAQ Grant, including but not limited to, electric/no-emission vehicles and equipment, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the City's vehicle fleet. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 6. That under Section 108(b) of the Charter, the purchases and/or services authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The appropriate Director may sign all documents that are necessary to make the purchases and/or obtain such services, and may enter into one or more contracts with the vendors and/or consultants selected through that cooperative process. The Director of the City Planning Commission shall provide written notice to the Clerk of Council whenever any purchase is made under this section, which notice shall include the details of any such cooperative purchases.

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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 and easements necessary to make the Improvements. 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 8. That the appropriate Director 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 properties and easements.

Section 9. That the appropriate Director is authorized to accept rights of entry from private property owners where access to private property is necessary for the Improvement.

Section 10. That the rights of entry shall be prepared and approved by the Director of Law and shall contain any provisions necessary to protect and benefit the City's interest.

Section 11. That the appropriate Director is authorized to enter into any agreements or execute documents needed to effectuate this ordinance.

Section 12. That the costs of the requirement contract or contracts shall not exceed \$6,815,532.00 and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

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Section 13. That a copy of an Executive Summary has been placed in File No. 1218-2025-A.

Section ~~13.~~ 14. That the cost of the Improvement, professional services, standard contracts and other expenditures needed to effectuate this ordinance shall be paid from the fund or funds to which are credited the proceeds received by the City under the CMAQ Grant. (RQS 0117, RLA 2025-52).

Section ~~14.~~ 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.

RB:nl  
9-29-15

FOR: Director Mersmann

**Ord. No.**

**REPORT**  
**after second Reading**

**Mr.**  
**An Emergency Ordinance** determining the method of making the public improvement of constructing high-comfort pedestrian and bicycle improvements at various locations; authorizing the Director of the City Planning Commission, Public Works and/or Capital Projects, as appropriate, to enter into one or more public improvement and professional services contracts needed for the improvement; authorizing the Mayor and the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes real property and easements; authorizing the Director to accept rights-of-entry from private property owners; authorizing the Director to enter into various written standard purchase and requirement contracts needed to effectuate this ordinance, including vehicles and equipment; and to enter into other agreements or execute documents necessary to conduct the program.

**READ FIRST TIME**

**REPORTS**

and referred to

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by the council \_\_\_\_\_

**CITY CLERK**

**READ SECOND TIME**

by the council \_\_\_\_\_

**CITY CLERK**

**READ THIRD TIME**

by the council \_\_\_\_\_

**PRESIDENT**

**CITY CLERK**

**APPROVED**

**MAYOR**

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