

# Ordinance No. 365-2020

By Council Members Johnson and Brancatelli (by departmental request)

## AN EMERGENCY ORDINANCE

Giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio to construct the improvement at the Orange Avenue with I-77 ramp and East 30<sup>th</sup> Street intersection; and to authorize one or more agreements necessary to make the improvement.

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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 it is declared to be in the public interest that consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio (the “Director of Transportation”) to make the following improvements under the plans, specifications and estimates approved by the Director of Transportation: to construct safety improvements at the Orange Avenue (U.S. Route 422) with I-77 ramp and East 30<sup>th</sup> Street intersection, PID 111424 (the “Improvement”).

Section 2. That the City gives its consent to the Improvement and its administration by the Director of Transportation, provided that this ordinance shall not be construed to impose any financial obligation on the City for the Improvement. However, the City agrees to assume and contribute 100% of the cost of any item, included in the construction contracts at the request of the City, which are determined by the Director of Transportation to be ineligible or unnecessary for the Improvement.

Section 3. That the Director of Capital Projects is authorized to enter into agreements with the Director of Transportation necessary to complete the planning and construction of the Improvement.

Section 4. Utilities and Right-of-Way Statement. The City agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the Improvement. The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

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Section 5. Maintenance. That on 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, keeping it free of obstructions; and (4) hold said rights-of-way inviolate for public highway purposes.

Section 6. That this Council requests the State to proceed with the Improvement.

Section 7. That the City agrees to allow the Director of Transportation to act as contractual agent for the Improvement.

Section 8. That the Clerk of Council is authorized to transmit to the Director of Transportation three (3) certified copies of this ordinance immediately on taking effect, and it shall become the basis for proceeding with the Improvement.

Section 9. 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  
3-23-20

FOR: Director Spronz

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REPORT  
after second Reading

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READ FIRST TIME on MARCH 23, 2020  
and referred to DIRECTORS of Capital Projects,  
City Planning Commission, Finance, Law;  
COMMITTEES on Municipal Services and Properties,  
Development Planning and Sustainability

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

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MAYOR

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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**

FILED WITH COMMITTEE

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