

Ordinance No. 887-2019

Council Members McCormack, Johnson, Brancatelli and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to apply for and accept one or more grants or gifts from the State of Ohio, Federal entities, and/or any public or private entity for the design, construction, and maintenance of Canal Basin Park, including modifying the existing parking lot and installing site improvements; determining the method of making the public improvement; authorizing contracts to construct and design the improvement; and authorizing any other agreements and contracts that are necessary to implement the project.

WHEREAS, Canal Basin Park is a proposed 25-acre site bounded by the Cuyahoga River, Center Street, Columbus Road and the now vacated James Street which will be developed into a new park at the northern beginning/terminus of the 110-mile Towpath Trail by incorporating new greenspace, interpretive elements, and amenities to complement existing attractions such as Settler’s Landing Park, Heritage Park, the Downtown Dog Park, and the RTA Waterfront Line; 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 the Director of Public Works is authorized to apply for and accept one or more grants from the State of Ohio, Federal entities, and/or any public or private entity for the design, construction, and maintenance of Canal Basin Park, including modifying the existing Canal Basin Parking Lot by eliminating approximately 90-125 of the existing 216 parking stalls and installing site improvements (the “Improvement”); that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes set forth in the file mentioned below.

Section 2. That the description of the Improvement area, File No. 844-07 B, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating,

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replacing or otherwise improving the Canal Basin Park property, including all site improvements and appurtenances necessary and incidental, for the Departments of Public Works or Capital Projects, as appropriate, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 4. That, the Director of Public Works or Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding for a gross price 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 gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 5. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving all site improvements and appurtenances necessary and incidental to the Canal Basin Park property, for the Director of Public Works or Capital Projects, as appropriate, 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 6. That the Director of Public Works or Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder 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

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improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 7. That the Director of Public Works 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 8. That the Director of Public Works 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.

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

Section 9. That, unless expressly prohibited by a grant agreement, under Section 108(B) of the Charter, purchases made under a grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Works may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 10. That the Director of Public Works is authorized to apply for and accept other grants and gifts from various public or private entities for the Improvement, including gifts of real property and easements, gifts of public art following the provisions of Chapter 186 of the Codified Ordinances, and other goods

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and services; that the Director is authorized to file all papers and execute all documents necessary to receive the funds, goods, services, real estate, and easements under this ordinance; and that the funds are appropriated for the purposes described in this ordinance.

Section 11. That the Director of Public Works or Capital Projects, as appropriate, is authorized to enter into one or more agreements and multi-party agreements necessary to implement the Improvement. The agreements may include license agreements, property adoption agreements, permits, inter-agency agreements, project development agreements, and cooperative agreements, that are between, but are not limited to, the following public and non-profit entities needed to implement the Improvement: State of Ohio, Northeast Ohio Areawide Coordinating Agency ("NOACA"), Cleveland Metropolitan Park District ("Metroparks"), Northeast Ohio Regional Sewer District ("NEORS"), Greater Cleveland Regional Transit Authority ("RTA"), Cuyahoga County, Canalway Partners, and LAND Studio.

Section 12. That any contracts and agreements authorized by this ordinance shall be prepared by the Director of Law.

Section 13. That the cost of the contracts, agreements, and other expenditures authorized in this ordinance shall be paid from the fund or funds to which are credited any grant or gift received for this purpose and from any funds approved by the Director of Finance.

Section 14. 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.

LW:nl
7-24-19

FOR: Director Cox

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READ FIRST TIME on JULY 24, 2019
and referred to DIRECTORS of Public Works,
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 _____

**REPORT
after second Reading**

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

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE
