

Ordinance No. 883-2019

**Council Members Keane and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Utilities to enter into one or more agreements with the Northeast Ohio Regional Sewer District concerning local sewer cleaning and material disposal in the Old Denison Road and Beltline sewer areas and for the removal and replacement of trees, fences and other encroachments along the Euclid Creek; and authorizing any agreement necessary to complete the work, including agreements with property owners.

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 notwithstanding any section of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Utilities is authorized to enter into and execute one or more agreements with the Northeast Ohio Regional Sewer District ("NEORS"), concerning local sewer cleaning and material disposal in the Old Denison Road and Beltline sewer areas and for the removal and replacement of trees, fences and other encroachments along the Euclid Creek (the "Improvement"). Such agreements shall contain terms including, but not limited to, defining responsibilities concerning construction of the Improvement. The agreement or agreements shall provide that it is NEORS's responsibility to provide for the design and construction of the Improvement, and contain other provisions needed to implement the Improvement.

Section 2. That the Director of Public Utilities is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to implement the Improvement.

Section 3. That the Director of Public Utilities is authorized to enter into any agreements necessary to implement this ordinance, including but not limited to, agreements with applicable property owners regarding payment to the City to partially cover the City's cost of removing and disposing of hazardous waste caused by that property owner in connection with the local sewer cleaning in the Old Denison Road and Beltline sewer areas portion of the Improvement.

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Section 4. That any agreement or agreements shall be prepared by the Director of Law.

Section 5. That the Director of Public Utilities is authorized to reimburse NEORSD, or its contractor, to implement the Improvement, payable from Fund Nos. 54 SF 001, 54 SF 400, from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, from the fund or funds to which are credited any payments from homeowners, and from any other funds approved by the Director of Finance. (RQS 2003, RL 2019-54)

Section 6. 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 Davis

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REPORT
after second Reading

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READ FIRST TIME on JULY 24, 2019 **REPORTS**
and referred to **DIRECTORS** of Public Utilities, Finance, Law;
COMMITTEES on Utilities, Finance

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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PASSAGE RECOMMENDED BY
COMMITTEE ON
UTILITIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

