

Ordinance No. 1470-2025

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

AN EMERGENCY ORDINANCE

Giving consent of the City of Cleveland to the County of Cuyahoga for the resurfacing of Nottingham Road from St. Clair Avenue to the south corporation line; to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement; authorizing the Director of Capital Projects to enter into any relative agreements in making of the improvement; and to cause payment to the County for the City's share of the improvement.

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. Consent. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the County of Cuyahoga (the "County") to participate in the cost to resurface Nottingham Road from St. Clair Avenue to the south corporation line, County Project ID No. 1435 (the "Improvement").

Section 2. Cooperation.

- (a) That the City will cooperate with the County in the Improvement;
- (b) That the City will arrange for the preparation of construction plans and specifications, including necessary engineering reports for the improvement under current County standards for construction of County roads and bridges;
- (c) That the City will arrange for the supervision and administration of the construction contract; and
- (d) That prior to the start of construction, the City shall be responsible for cleaning the adjacent catch basins and sewers within the Improvement limits. If the catch basins and sewers are not cleaned by the start of construction, the City will be responsible for the cost. The County will coordinate the cleaning task.

Section 3. Funding.

- (a) That the City agrees to participate with the County in the cost of the Improvement by using an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the project;
- (b) That if the Improvement is financed with State or Federal-aid funds eligible costs of the Improvement shall be financed from the aforesaid funds;
- (c) That if funds administered by the Ohio Public Works Commission are used for the Improvement, the amount of such fund swill be deducted from designated project costs prior to the application of the participatory percentages;
- (d) Within the corporate limits of the City, the City will be responsible for forty percent (40%), and the Council will be responsible for sixty percent (60%) of the cost of the preparation of construction plans and specification, including necessary engineering reports for the Improvement;

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(e) Within the corporate limits of the City, the City shall contribute fifty percent (50%) of the Non-Federal Share, and the County will be responsible for fifty percent (50%) of the Non-Federal Share of the cost of construction and construction supervision;

(f) The County shall contribute up to a maximum of \$400,000 of the total cost of design, construction, construction engineering, construction administration, and construction inspection for the portion of the Improvement within the City. All contributions by the County are subject to the County’s determination that the costs are eligible for reimbursement pursuant to the Cuyahoga County Engineer’s policies; and

(g) That the City agrees to deposit with the Treasurer of Cuyahoga County the City’s share of the estimated cost of the Improvement or agrees to enter into an escrow agreement with the County of Cuyahoga, Ohio prior to an award of a contract for the Improvement.

Section 4. Maintenance. That upon completion of the Improvement, the

Parties respective maintenance obligations shall be as follows:

(a) The City will maintain the resurfacing in accordance with the provisions of all applicable statutes Maintain the Improvement in accordance with the provisions of all applicable statutes and make ample financial provisions for such maintenance;

(b) The City will maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the County and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits;

(c) The County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the Improvement under the applicable sections of the Revised Code; and

(d) The City shall follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency.

Section 5. Traffic. The Parties agree to the following with regard to traffic on

the improved roadway or highway upon completion of the Improvement:

(a) The City will keep the highway open to traffic at all times;

(b) The City will place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Improvement in compliance with the provisions of Section 4511.11 of the Revised Code and other related sections of the Revised Code;

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(c) That the street or highway within the limits of the Improvement is designated a through highway as provided in division (A)(6) of Section 4511.07 of the Revised Code;

(d) That unwarranted regulatory signage within the Improvement area must be removed. In order to install a “Four-Way Stop” at the intersection of the improvement street or highway, a traffic study must be performed by the City to verify that it is warranted in accordance with the manual;

(e) The City will not enact any rule or regulation that restricts the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised Code to use a public highway and shall rescind any existing rule or regulation that so restricts the road usage; and

(f) The City shall prohibit parking in accordance with Section 4511.66 of the Revised Code unless otherwise controlled by local ordinance or resolution.

Section 6. Right-of-Way.

(a) The City shall make available for the Improvement all existing street and public right-of-way within the City that is necessary for the Improvement; and

(b) The City will arrange for the acquisition of any additional right-of-way which may be required for the construction of the Improvement.

Section 7. Utilities.

(a) The County will make arrangements with and obtain arrangements from all privately-owned public utility companies whose lines or structures will be affected by the Improvement, and the companies have agreed to make any and all necessary rearrangements in such a manner as to be clear of any construction called for by the plans for the Improvement, and the companies have agreed to make necessary rearrangements immediately after notification by the City;

(b) The County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation’s Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the Improvement, provided, however, that such participation will not extend to any additions or betterments of existing facilities;

(c) The City shall cooperate with the County to make all arrangements of governmentally-owned utilities and/or appurtenances thereto which do not comply with the Provisions Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation’s Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the Improvement; and

(d) The construction, reconstruction, and/or rearrangement of all utilities shall be done in a manner as not to interfere unduly with the contractor constructing the Improvement, and all backfilling of trenches made necessary by

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utility rearrangement shall be performed under the provisions of the Ohio Department of Transportation’s Construction and Material Specifications.

Section 8. Miscellaneous.

(a) That if the City includes the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the Improvement), sidewalks, alternate bid items, or other items in the Improvement that are in addition to those now existing and not provided for elsewhere in this ordinance, the County will do so, provided that this construction meets with the approval of the County and the City agrees to pay, or make arrangements for the payment of, the cost of said additional construction, the cost of preliminary and design engineering and construction supervision;

(b) For matters relating to the Improvement, the agent for the County and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members the County Engineer may designate;

(c) The City agrees to make all pertinent contractual books and records and other documents pertaining to the Improvement available to the County and its designated agents for purposes of audit and examination upon reasonable request; and

(d) By enacting this ordinance, the City agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to the documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The City also agrees on behalf of the aforementioned entities and persons to be bound by the provisions of Chapters 304 and 1306 of the Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of the County.

Section 9. That the Director of Capital Projects is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement.

Section 10. That the Director of Capital Projects is authorized to enter into one or more agreements with the County necessary to complete the Improvement.

Section 11. That this Council authorizes to the County of Cuyahoga for the City’s share of the Improvement payable from to be paid from the fund or funds to which are credited the proceeds from the sale of 2026, 2027, and 2028 bonds, if issued for this purpose. (RQS 0103, RLA 2025-104)

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Section 12. That the Clerk of Council is directed to transmit to the County three (3) certified copies of this ordinance immediately upon taking effect.

Section 13. 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.

VG:nl
11-17-25

FOR: Director DeRosa

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READ FIRST TIME on NOVEMBER 17, 2025 **REPORTS**
and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Finance Diversity Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **112** Page _____
Published in the City Record _____

REPORT
after second Reading

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE, DIVERSITY, EQUITY
and INCLUSION