

Ordinance No.1362-2019

Council Member(s) Keane and Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of rehabilitating and replacing the Muriel Avenue area sewer system, which may include but not be limited to sewer replacement and rehabilitation, and installing manholes and catch basins; authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement; and authorizing the director to apply for and accept any loans or grants from any public or private entity, including but not limited to, the Northeast Ohio Regional Sewer District for Community Cost Share Program funding; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes any real property and easements necessary to make 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. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating and replacing the Muriel Avenue Street area sewer system, which may include but not be limited to sewer replacement and rehabilitation, and installing manholes and catch basins (“Improvement”), for the Division of Water Pollution Control, Department of Public Utilities, 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 2. That the Director of Public Utilities 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 improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. 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 permit performance of the work authorized by this ordinance.

Section 4. That the Director of Public Utilities is authorized to apply for and accept one or more grants from various public or private entities to make the Improvement; including but not limited to, the Northeast Ohio Regional Sewer District

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for Community Cost Share Program funding or other funding to implement the Improvement, that the Director is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance; and that the funds are appropriated for the purposes described in this ordinance.

Section 5. That the Director of Public Utilities is authorized to apply for and accept loans to provide funding for the Improvement.

Section 6. That the Director of Public Utilities is authorized to enter into any loan agreements with various public entities, including but not limited to, the Ohio Environmental Protection Agency for the Improvement. The agreements shall contain terms and conditions that are acceptable to the Director of Law to protect the public interest. The Director of Public Utilities is further authorized to file all papers and execute all documents necessary to receive the loan funds; and appropriate the loan funds for the purposes described in this ordinance.

Section 7. That on execution of any loan agreement, the Director of Public Utilities is authorized to repay the loan funds in accordance with the terms and conditions of the Agreement, from funds approved by the Director of Finance.

Section 8. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976 to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-way purposes any real property including but not limited to fee simple acquisitions, temporary easements, permanent easements, and work agreements as is necessary to make the improvements described in this ordinance. The consideration to be paid for the property and easements shall not exceed market value, as determined by the Board of Control.

Section 9. That the Director of Public Utilities 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,

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appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 10. That the Director of Public Utilities is authorized to enter into any agreements necessary to implement this ordinance.

Section 11. That the cost of the contracts and other expenditures authorized shall be paid from Fund No. 54 SF 001, 54 SF 400, from the fund or funds to which are credited the proceeds of the sale of future bonds, if issued for this purpose, from the fund or funds to which are credited the NEORS D Community Cost Share Program funds, Member Community Infrastructure Program funds, from the fund or funds to which are credited the proceeds from any grant or loan received for this purpose; and from any funds approved by the Director of Finance. RQS 2003, RLA 2019-53.

Section 12. 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
11-11-19

FOR: Director Davis

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REPORT
after second Reading

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READ FIRST TIME on November 11, 2019 **REPORTS**
and referred to DIRECTORS of Public Utilities, City Planning Commission, Finance, Law;
COMMITTEES on Utilities, Finance

CITY CLERK

READ SECOND TIME
by the council _____

CITY CLERK

READ THIRD TIME
by the council _____

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ Page _____
Published in the City Record

PASSAGE RECOMMENDED BY
COMMITTEE ON
UTILITIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

