

Ordinance No. 1365-17

AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of reconstructing access roads at Industrial Parkway/West 160th St and Enterprise Business Park; authorizing the Director of Capital Projects to enter into one or more contracts, for the construction, design, and any other agreements; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property.

Council Members Kazy, K. Johnson and Kelley (by departmental request)

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, this Council determines to make the public improvement of reconstructing access roads at Industrial Parkway/West 160th Street from West 150th Street to Puritas Avenue and Enterprise Business Park including Enterprise Pkwy./Briar Rd. and West 139th Street (the "Improvement"), for the Office of Capital Projects, 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 Capital Projects is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders 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 Capital Projects 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 Capital Projects 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

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of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

Section 5. 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 for right-of-way purposes such real property as is necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value.

Section 6. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, review appraisers, and all other costs necessary for the acquisition of the property.

Section 7. That the Director of Capital Projects is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity, including but not limited to, the State of Ohio and the Northeast Ohio Regional Sewer District to implement the Improvement; and that the Director is authorized to file all papers and execute all documents necessary to receive any funds or services; and that the funds are appropriated for the purposes described in this ordinance.

Section 8. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, the Greater Cleveland

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Regional Transit Authority, the Northeast Ohio Regional Sewer District, and other entities to obtain services or to acquire property rights such as easements and licenses, necessary to construct the Improvement.

Section 9. That the Director of Capital Projects is authorized to accept cash contributions from the public or private entities, including but not limited to, the Greater Cleveland Regional Transit Authority and the Northeast Ohio Regional Sewer District, for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 10. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the design and installation of underground lines in connection with the improvement.

Section 11. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

Section 12. That the cost of this ordinance shall be paid from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, 20 SF 579, from the fund or funds to which are credited proceeds from the sale of future bonds if issued for this purpose, from the fund or funds to which are credited any cash contribution, payment, grant, or gift accepted under this ordinance, and any funds approved by the Director of Finance for this purpose. (RQS 0103, RLA 2017-46)

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.

RC:nl
11-13-17

FOR: Director Spronz

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**REPORT
after second Reading**

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READ FIRST TIME on NOVEMBER 13, 2017
and referred to DIRECTORS of Capital Projects,
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

Recorded Vol. _____ Page _____

Published in the City Record _____

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

FILED WITH COMMITTEE

**PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE**

FILED WITH COMMITTEE

