

# Ordinance No. 304-2022

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

## AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to apply for and accept a grant from the National Park Service for the purpose of developing a new City park to be located near the Clark Recreation Center; authorizing the Mayor and the Commissioner of Purchases and Supplies to purchase various property interests; enter into various Option to Purchase Agreements as needed; determining the method of making the public improvement of constructing the new park; authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more contracts; and to apply for and accept additional grants and gifts for the new park.

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 a grant in the approximate amount of \$661,724, from the National Park Service for the purpose of developing a new City park to be located near the Clark Recreation Center (the “Park”) including site improvements, parking, appurtenances, safety surfaces, and park and/or playground equipment and amenities (collectively the “Improvement”); that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, **File No. 304-2022-A**, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$600,000, is approved in all respects and shall not be substantially changed without additional legislative authority.

Section 3. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Mayor and the Commissioner of Purchases and Supplies are authorized to purchase Permanent Parcel No. 006-16-006 for the Improvement which is described as follows:

Parcel No. 006-16-006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 117 in James M. Hoyt’s Subdivision of part of Original Brooklyn Township Lot No. 48 as shown by the recorded plat of Volume 3 of Maps, Page 15 of Cuyahoga County Records and being 40 feet front on the Northerly side of Clark Avenue S.W. and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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Section 4. That the consideration to be paid for the property described above shall not exceed \$22,500 which is determined to be fair market value.

Section 5. That, notwithstanding and as an exception to the provision of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Mayor and the Commissioner of Purchases and Supplies are authorized to purchase additional properties from various owners on the block where the Clark Recreation Center is located, which is bounded by Train Avenue, Clark Avenue, and West 56<sup>th</sup> Street (“Target Area”) needed for the Improvement. The Mayor and the Commissioner of Purchases and Supplies are authorized to purchase or otherwise acquire easements, fee interests, licenses, permits and other rights or interests including Options to Purchase in the Target Area as needed to implement the Improvement. The consideration to be paid for the properties, interests, licenses, permits, options or other interests acquired through the authority of this Section shall not exceed fair market value as determined by the Board of Control.

Section 6. That the Director of Public Works is authorized to execute on behalf of the City all documents necessary to acquire rights or interests in real property needed for the Improvement and to employ and pay all fees for relocation, title companies, surveys, escrows, appraisers, and other consultants and all other costs necessary for the acquisition or use of the rights or interests in the properties.

Section 7. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing the Park, including site improvements, including parking, appurtenances, safety surfaces, and park and/or playground equipment for the Departments of Public Works and/or Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a unit price for the Improvement.

Section 8. 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 Improvement with the lowest responsible bidder after competitive bidding for a unit basis for the Improvement, provided, however, that each separate trade and each

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distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, or all, of the trades or components may be the subject of a separate contract for a unit basis. 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 9. That the Director of Public Works or Capital Projects, as appropriate, is authorized to employ by contract one or more architects, landscape architects and engineers, or one or more firms of architects, landscape architects and engineers, for the professional services necessary to design the Improvement and is authorized to employ by contract one or more real estate brokers to assist in implementing this ordinance.

That the selection of the consultants and real estate brokers for the services shall be made by the Board of Control on the nomination of the Director of Public Works or Capital Projects, as appropriate, from a list of qualified consultants and real estate brokers available for the employment as may be determined after a full and complete canvass by the Director of Public Works or Capital Projects, as appropriate, for the purpose of compiling the 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 or Capital Projects, as appropriate, and certified by the Director of Finance.

Section 10. That the Director of Public Works or Capital Projects, as appropriate, 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 11. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Works or Capital Projects, as appropriate, may sign all documents that are necessary to make the purchases, and may

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enter into one or more contracts with the vendors selected through that cooperative process.

Section 12. That the Director of Public Works or Capital Projects, as appropriate, is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity to implement the Improvement; and that the appropriate 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 13. That the Public Works or Capital Projects, as appropriate, is authorized to execute on behalf of the City of Cleveland all necessary documents to implement this ordinance.

Section 14. That the costs of any contract or expenditure authorize by this ordinance, including but not limited to, acquiring, accepting, and recording the land, shall be paid from Fund Nos. 20 SF 552, 20 SF 558, 20 SF 561, 20 SF 565, 20 SF 572, 20 SF 577, 20 SF 584, 20 SF 590, 20 SF 595, 20 SF 700, the fund or funds which are credited the proceeds of the National Park Grant accepted under this ordinance, the cash match, additional grants or cash gifts received from any public or private entity, and any other funds deemed appropriate by the Director of Finance. (RQS 0103, RL 2022-34)

Section 15. 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  
3-28-2022  
FOR: Interim Directors Cox and DeRosa

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

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**READ FIRST TIME on MARCH 28, 2022**

**REPORTS**

**and referred to DIRECTORS of Public Works, Capital Projects,  
City Planning Commission, Finance, Law;  
COMMITTEES on Municipal Services and Properties,  
Development Planning and Sustainability,  
Finance Diversity Equity and Inclusion**

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**CITY CLERK**

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**READ SECOND TIME**

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**CITY CLERK**

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**READ THIRD TIME**

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**PRESIDENT**

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**CITY CLERK**

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**APPROVED**

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**MAYOR**

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Published in the City Record \_\_\_\_\_

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

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**PASSAGE RECOMMENDED BY  
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and INCLUSION**

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