

Ordinance No. 608-2022

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

AN EMERGENCY ORDINANCE

Authorizing the Directors of Capital Projects or Public Works to enter agreements with Cuyahoga County for the purpose of accepting funds for the construction of a new City park to be located adjacent to the Central Recreation Center and to authorize the making and accepting of a new East 26th Street; authorizing the Director and the Commissioner of Purchases and Supplies to enter into one or more agreements with the Cuyahoga Metropolitan Housing Authority providing for the exchange of real properties necessary for the project; 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, Cuyahoga Metropolitan Housing Authority (“CMHA”) plans to improve its properties east of East 22nd Street and west of East 28th Street between Community College Avenue and Central Avenue (“Plans”); and

WHEREAS, the Plans contain a proposed construction of a new East 26th Street from Community College Avenue to Central Avenue on property currently owned by CMHA; and

WHEREAS, as part of Cuyahoga County’s Central Surge Initiative, aimed at impacting Cleveland’s Central Neighborhood, the County wishes to design and construct the new East 26th Street and to also contribute costs towards the construction of a new City park adjacent to the Central Recreation Center; and

WHEREAS, an exchange of property between CMHA and the City is necessary to effectuate the Plans, build the new East 26th Street, and to construct the new City park; and

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 or Capital Projects, as appropriate, is authorized to enter into one or more agreements with Cuyahoga County (the “County”) to accept the approximate amount of \$1,000,000 for the purpose of constructing a new City park to be located adjacent to the Central Recreation Center (the “Park”) including professional services, site improvements, parking, appurtenances, safety surfaces, and park and/or playground equipment and amenities (collectively the

Ordinance No. 608-2022

“Improvement”); and to authorize the making and accepting of a new East 26th Street from Community College Avenue to Central Avenue on property to be acquired by the City from CMHA.

Section 2. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Capital Projects and the Commissioner of Purchases and Supplies are authorized to enter into one or more agreements for and on behalf of the City of Cleveland with CMHA providing for the exchange of some, all, or a portion of any of the following real property, including transfer of fee title, to implement this ordinance:

From the City to CMHA: PPNs# 107-21-051; 124-05-035; 124-05-036; 124-05-061; 124-05-076; 124-05-077; 136-23-007; and 103-27-004; and

From CMHA to the City: PPN#103-27-008.

Section 3. That the agreements authorized in Section 2 shall be prepared by the Director of Law and shall include assurances that the exchanges were conducted using fair market values, as determined by the Board of Control; and that the City property being transferred to CMHA are subject to restrictions and covenants as the Director of Capital Projects deems necessary or appropriate to assure the land’s effective reutilization.

Section 4. 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 acquire as right-of-way from CMHA and at no cost to the City but for other valuable consideration a portion of parcels 103-27-008 and 103-27-013 constituting a 60-foot wide strip of land connecting Community College Avenue and Central Avenue, on which the County will construct a roadway to be dedicated as E 26th Street, a public right-of-way owned and maintained by the City after it is accepted.

Ordinance No. 608-2022

Section 5. That the conveyances referred to above shall be made by official quitclaim deeds prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deeds shall contain provisions necessary to protect the parties and their respective interests, including restrictive covenants deemed necessary by the Directors of Capital Projects and Law, and shall specifically contain provisions against the erection of any advertising signs or billboards, excepting permitted identification signs.

Section 6. That the Director of Capital Projects is authorized to execute on behalf of the City of Cleveland all necessary documents to exchange the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits and all other costs necessary for the transfer of 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 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.

Ordinance No. 608-2022

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

Section 12. Consent. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the County to construct the following

Ordinance No. 608-2022

improvement under plans, specifications, and estimates approved by the County for East 26th Street from Community College Avenue to Central Avenue.

Section 13. That the City agrees to cooperate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the East 26th Street project.

Section 14. 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 15. That the Directors of Public Works or Capital Projects, as appropriate, is authorized to execute on behalf of the City of Cleveland all necessary agreements and documents to implement this ordinance.

Section 16. That the costs of any contract or expenditure authorized by this ordinance, including but not limited to, making the Improvement; and acquiring, accepting, and recording the land, shall be paid from the fund or funds which are credited the proceeds of the County grant accepted under this ordinance, additional grants or cash gifts received from any public or private entity, and any other funds deemed appropriate by the Director of Finance.

Section 17. 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.

SM:nl
6-6-2022
FOR: Director DeRosa

Ord. No. 608-2022

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

AN EMERGENCY ORDINANCE

Authorizing the Directors of Capital Projects or Public Works to enter agreements with Cuyahoga County for the purpose of accepting funds for the construction of a new City park to be located adjacent to the Central Recreation Center and to authorize the making and accepting of a new East 26th Street; authorizing the Director and the Commissioner of Purchases and Supplies to enter into one or more agreements with the Cuyahoga Metropolitan Housing Authority providing for the exchange of real properties necessary for the project; 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.

READ FIRST TIME on JUNE 6, 2022

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

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **109** Page _____

Published in the City Record _____

REPORT
after second Reading

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

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

