C OF C 125-174

Ordinance No. 1201-2022

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

AN EMERGENCY ORDINANCE
Authorizing the Director of Capital Projects to apply for and accept funding for the rehabilitation of Lorain Avenue from West 65th Street to West 20th Street; authorizing the Director of Capital Projects to enter into one or more professional services contracts for the design; authorize other agreements; and authorizing the Commissioner of Purchases and Supplies to acquire, accept and record real property and easements.

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 Capital Projects and/or Finance is authorized to apply for and accept any gifts, grants, loans, or other funding from any public or private entity to implement the rehabilitation of Lorain Avenue from West 65th Street to West 20th Street, PID 89255 (the "Improvement"); that the appropriate Director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

Section 2. That the Director of Capital Projects and/or Finance is authorized to repay the loan or other funding, if required, from the appropriate fund as designated by the Director of Finance.

Section 3. 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 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 4. 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 Improvement. The consideration to be paid for the property and easements shall not exceed fair market value, as determined by the Board of Control.

Section 5. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire the property and easements 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 and easements.

Section 6. That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, the Greater Cleveland 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 make the Improvement.

Section 7. That the Director of Capital Projects, when necessary, is authorized to cause payment to any railroad, the Greater Cleveland Regional Transit Authority and other entities for payment of any services which were necessary to make the Improvement.

Section 8. That the Director of Capital Projects is authorized to accept a cash contribution from public or private entities for infrastructure costs associated with the Improvement. The Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 9. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the Improvement.

Section 10. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

Section 11. That the cost of the design of the Improvement, property acquisition, easements, or other expenditure authorized in this ordinance shall be paid from Fund Nos. 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586, 20 SF 592, 20 SF 597, 20 SF 702, 20 SF 712, from the fund or funds to which are credited the proceeds of any future bonds if issued for this purpose, from the fund or funds to which are credited any payment, grant, gift, or other funding accepted under this ordinance, and any funds approved by the Director of Finance for this purpose. (RQS 0103, RL 2022-111)

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.

SM:nl
11-14-2022
FOR: Director DeRosa

Ord. No. 1201-2022

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to apply for and accept funding for the rehabilitation of Lorain Avenue from West 65th Street to West 20th Street; authorizing the Director of Capital Projects to enter into one or more professional services contracts for the design; authorize other agreements; and authorizing the Commissioner of Purchases and Supplies to acquire, accept and record real property and easements.

READ FIRST TIME on NOVEMBER 14, 2022 **REPORTS**
and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability,
Finance Diversity Equity and Inclusion

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