

Ordinance No. 1343-2023

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to apply for and accept funding to implement the Bedrock Development Project, aka, Cleveland Riverfront Masterplan; determining the method of making the public improvement; authorizing the Director of Capital Projects to enter into one or more contracts to construct and implement the improvement; authorizing the Commissioner of Purchases and Supplies to acquire, accept and record real property and easements that are necessary for the improvement; and authorizing other agreements.

WHEREAS, The City of Cleveland has entered into a Master Planning Agreement with Bedrock Management Services, LLC; 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 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 construct roadway and bridge improvements within the Bedrock Development Project, aka, Cleveland Riverfront Masterplan Project area, including but not limited to, full depth pavement, drainage upgrades, installation of curb, curb ramps, sidewalk, driveways, aprons, median strips, intersections, utility boxes, casting adjustments, appurtenances, streetscaping, landscaping, streetlighting, if necessary, and other related infrastructure improvements (the “Improvement”); that the appropriate Director is authorized to file all papers and execute all documents necessary to receive the gifts, grants, loans, or other funding; 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Improvement, for the Office of Capital Projects, by one or more contracts duly let to the lowest

Ordinance No. 1343-2023

responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 4. 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 5. 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 6. 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 for 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 7. 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

Ordinance No. 1343-2023

entities to obtain services or to acquire property rights such as easements and licenses, necessary for the Improvement.

Section 8. 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 for the Improvement.

Section 9. 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 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 installation of underground lines in connection with the Improvement.

Section 11. 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 12. 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 13. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

Ordinance No. 1343-2023

Section 14. That the cost of 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, 20 SF 718, 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, RLA 2023-126)

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.

PMA:nl
11-20-2023
FOR: Director DeRosa

Ord. No. 1343-2023

REPORT
after second Reading

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to apply for and accept funding to implement the Bedrock Development Project, aka, Cleveland Riverfront Masterplan; determining the method of making the public improvement; authorizing the Director of Capital Projects to enter into one or more contracts to construct and implement the improvement; authorizing the Commissioner of Purchases and Supplies to acquire, accept and record real property and easements that are necessary for the improvement; and authorizing other agreements.

READ FIRST TIME on NOVEMBER 20, 2023 **REPORTS**
and referred to DIRECTORS of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Finance Diversity Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **110** Page _____

Published in the City Record _____

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

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE
