C OF C 125-174

Ordinance No. 849-2025

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

FOR PASSAGE
July 9, 2025

AN EMERGENCY ORDINANCE

To amend the title and Sections 1, 3 and 10 of Ordinance No. 762-2023, passed August 16, 2023; to supplement the ordinance by adding new Section 3a, relating to the improvement of Lee Road from Miles Avenue to the North Corporation line.

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 title and Sections 1, 3 and 10 of Ordinance No. 762-2023 passed August 16, 2023, are amended to read as follows:

An Emergency ordinance authorizing the Director of Capital Projects to enter into one or more agreements with Cuyahoga County and the City of Shaker Heights for the funding, design, construction and construction administration relating to the improvement of Lee Road from Miles Avenue to ~~Invermere Avenue~~ the North Corporation line; to apply for and accept CMAQ funds and gifts and grants from various entities; authorizing other necessary agreements; ~~and~~ authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes real property and easements necessary to make the Improvement; giving consent of the City of Cleveland to Cuyahoga County; and to cause payment to Cuyahoga County of the City's share of the Improvement.

Section 1. That the Director of Capital Projects is authorized to enter into one or more agreements with Cuyahoga County and/or the City of Shaker Heights for the funding, design, construction and construction administration for the rehabilitation of a portion of Lee Road from Miles Avenue to ~~Invermere Avenue~~ the North Corporation line (the "Improvement").

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 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.~~

(a) Consent. That it is declared to be in the public interest and consents to the County completing the Improvement under plans, specifications, and estimates approved by the County.

(b) Cooperation.

(1) The County and the City will cooperate in the completion of the Improvement.

(2) The County will prepare construction plans and specifications, including necessary engineering reports which shall conform to generally accepted engineering practices and principles.

(3) The County will arrange for the supervision and administration of the construction contract.

(4) Prior to the start of the construction, the City shall be responsible for cleaning the adjacent catchbasins and sewers within the Improvement limits. If the catchbasins and sewers are not cleaned by the start of construction, the County will coordinate the cleaning task and the City will be responsible for the cost of the cleaning.

(c) Funding.

(1) The City agrees to participate with the County in the cost of the Improvement by using an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the project.

(2) That if the Improvement is financed with State or Federal-aid funds, eligible costs of the Improvement shall be financed from the aforesaid funds.

(3) That if the funds administered by the Ohio Public Works Commission are used for the Improvement, the amount of such funds will be deducted from designated project costs prior to the application of the participatory percentages specified in this ordinance.

(4) That the County will be responsible for fifty percent (50%) of the Non-Federal share up to a maximum of $1,000,000, and that the City will be responsible for the remaining Non-Federal Share of the cost of the preparation of Project Plans and specifications, including necessary engineering reports for the Improvement, construction, and construction supervision.

(5) That the City agrees to deposit with the Treasurer of Cuyahoga County the City's share of the estimated cost of the project or agrees to enter into an escrow agreement with the County of Cuyahoga, Ohio prior to an award of a contract for the Improvement.

(d) Maintenance. That upon completion of the Improvement, the Parties' respective maintenance obligations shall be as follows:

(1) The City will maintain the resurfacing in accordance with the provisions of all applicable statutes and will make ample financial provisions for such maintenance.

(2) The City will maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the County and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits;

(3) The County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the Improvement under the applicable sections of the Revised Code.

(4) The City shall follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency.

(e) Traffic. The Parties agree to the following with regard to traffic on the improved roadway or highway upon completion of the Improvement:

(1) The City will keep the highway open to traffic at all times.

(2) The City will place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Improvement in compliance with the provisions of Section 4511.11 and related sections of the Revised Code.

(3) The street or highway shall be and is designated a through highway as provided in division (A)(6) of Section 4511.07 of the Revised Code;

(4) Unwarranted regulatory signage within the Improvement must be removed. In order to install a "Four-Way Stop" at the intersection of the improved street or highway, a traffic study must be performed by the City to verify that it is warranted under the manual.

(5) The City will not enact any rule or regulation that restricts the use of the improved road and/or structure by any class of vehicle or vehicle load permitted by the Revised Code to use a public highway and shall rescind any existing rule or regulation that so restricts the road usage.

(6) The City shall prohibit parking under Section 4511.66 of the Revised Code unless otherwise controlled by local ordinance or resolution.

(f) Right-of-Way.

(1) The City shall make available for the Improvement all existing street and public right-of-way within the City which is necessary for the Improvement.

(2) The City will arrange for the acquisition of any additional right-of-way which may be required for the construction of the Improvement.

(g) Utilities.

(1) The City will make arrangements with and obtain arrangements from all privately-owned public utility companies whose lines or structures will be affected by the Improvement, and the companies have agreed to make any and all necessary rearrangements in such a manner as to be clear of any construction called for by the plans for the Improvement, and the companies have agreed to make necessary rearrangements immediately after notification by the City.

(2) The County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the Improvement, provided, however, that

such participation will not extend to any additions or betterments of existing facilities.

(3) The City shall cooperate with the County to make all rearrangements of City-owned utilities and/or appurtenances thereto which do not comply with the Provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the Improvement.

(4) The construction, reconstruction, and/or rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the Ohio Department of Transportation's Construction and Material Specifications.

(h) Miscellaneous.

(1) If the City formally requests by a City ordinance that the County include the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the Improvement), sidewalks, alternate bid items, or other items in the Improvement that are in addition to those now existing and not provided for elsewhere in this ordinance, the County will do so, provided that this construction meets with the approval of the County and the City involved in the Improvement; and at the City agrees to pay, or make arrangements for the payment of, the cost of said additional construction, the cost of preliminary and design engineering and construction supervision.

(2) For purposes of this ordinance, the agent for the County and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members the County Engineer may designate.

(3) By enacting this ordinance, the City agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to the documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The City also agrees on behalf of the aforementioned entities and persons to be bound by the provisions of Chapters 304 and 1306 of the Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of the County.

Section 10. That ~~the cost of this ordinance shall be paid~~ this Council authorizes payment to Cuyahoga County for the City of Cleveland's share of the Improvement 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, the fund or funds to which are credited any gift or grant proceeds accepted under this ordinance, cash contributions accepted and appropriated under this ordinance, and from any and all funds approved by the Director of Finance, including future bond funds if issued for this purpose. (RQS 0103, RL 2023-69)

Section 3. That the existing title and Sections 1, 3 and 10 of Ordinance No. 762-2023, passed August 16, 2023, are repealed.

Section 4. That Ordinance No. 762-2023, passed August 16, 2023, is supplemented by adding new Section 3a to read as follows:

> Section 3a. That the Director of Capital Projects is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement.

Section 5. 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
7-9-2025
FOR: Director DeRosa

Ord. No. 849-2025

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

AN EMERGENCY ORDINANCE

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READ FIRST TIME **REPORTS**
and referred to

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME on JULY 9, 2025

PRESIDENT

CITY CLERK

APPROVED

MAYOR

READ FIRST, SECOND AND THIRD TIME

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REPORT
after second Reading