Ordinance No. 1174-2026

By Council Members Howse-Jones, Conwell, Polensek, Bishop, Slife and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio to construct the Target Speed Pilot Project countermeasures on a portion of St. Clair Avenue; authorizing agreements; and causing payment to the State for the City's share of the improvement.

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio (the "State", the "Director of Transportation" or "ODOT") to construct the following improvement under plans, specifications, and estimates approved by the State: to construct Target Speed Pilot Project countermeasures on St. Clair Avenue between East 101st Street and East 156th Street, PID No. 123428 (the "Improvement").

Section 2. Consent Statement

That being in the public interest, the City gives consent to the State to complete the Improvement as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

Section 3. Cooperation Statement

That the City shall cooperate with the Director of Transportation in the development and construction of the Improvement and shall enter into a LPA-Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Improvement.

That the City agrees to participate in the cost of the Improvement. The City agrees to assume and contribute the entire cost and expense of the Improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of the Improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation.

The City further agrees to pay 100% of the cost of those features requested by the City, which are determined by the State and Federal Highway Administration to be ineligible or unnecessary for the Improvement.

The City further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the City. The City shall contribute its share of the cost of these items in accordance with other sections herein.

The City agrees that if Federal funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Section 4. Authority to Sign

That the Director of Capital Projects is authorized to enter into contracts with the Director of Transportation which are necessary to develop plans for and to complete the Improvement; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement.

Upon request of ODOT, the Director of Capital Projects is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 5. Utilities and Right-of-Way Statement

That the City agrees that all right-of-way for the Improvement will be acquired and/or made available in accordance with current State and Federal regulations. The City also understands that right-of-way costs include eligible utility costs.

The City agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 6. Maintenance

That on completion of the Improvement, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Improvement in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Improvement; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 7. That, if needed for this Improvement:

(a) The Director of Capital Projects is authorized to apply for and accept any gifts, grants, or other funding for the Improvement from any public or private entity; and that the 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 necessary for the Improvement;

(b) 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 for the Improvement;

(c) The Director of Capital Projects is authorized to accept cash contributions from public or private entities for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement;

(d) The Director of Capital Projects is authorized to pay any railroad, the Greater Cleveland Regional Transit Authority, and other entities for payment of any services, when required, which were necessary to construct the Improvement;

(e) 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; and

(f) 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 8. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Mayor and the Commissioner of Purchases and Supplies are 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 if 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 9. That the Director of Capital Projects is authorized to enter into any agreements necessary for the Improvement.

Section 10. That this Council requests the State to proceed with the Improvement.

Section 11. That the Clerk of Council is authorized and directed to transmit to ODOT three (3) certified copies of this ordinance immediately upon its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 12. That this Council authorizes payment to ODOT for the City's share of the Improvement in the estimated sum of $1,628,937, which may be adjusted in order that the City's ultimate share of the Improvement shall correspond with the percentages of actual costs when the actual costs are determined. This amount will be payable from Fund Nos. 01-001-9997, 01-001-9998, 20 SF 563, 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, 20 SF 722, 20 SF 729, and from the fund or funds to which are credited the proceeds from the sale of 2027 Road and Bridge bonds and future Road and Bridge bonds that include this purpose. (RQS 0103, RLA 2026-104)

Section 13. 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
9-28-26

FOR: Director DeRosa

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READ FIRST TIME on September 28, 2026 **REPORTS**
and referred to DIRECTORS of Capital Projects, Finance and Law; COMMITTEES on Municipal Services and Properties; Transportation and Mobility; Finance, Diversity, Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **113** 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
TRANSPORTATION and MOBILITY
FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY COMMITTEE ON
FINANCE, DIVERSITY, EQUITY and INCLUSION
FILED WITH COMMITTEE