C OF C 125-174

# Ordinance No.1205-2026

Desk copy

**AN EMERGENCY ORDINANCE**

Authorizing the Director of Capital Projects to enter into one or more agreements with the cities of Brook Park and Parma to resurface a portion of Brookpark Road located in the City of Cleveland; giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for the improvement; authorizing agreements; and authorizing payment to the City of Brook Park for the City of Cleveland's portion of the improvement.

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WHEREAS, the City of Brook Park is resurfacing portions of Brookpark Road (SR-17) from west of Rocky River Drive (SR-237) to West 130th Street in the City of Brook Park that are located in the cities of Brook Park, Parma, and Cleveland, PID No. 113598 (the "Improvement"); and

WHEREAS, the City of Cleveland desires to cooperate with the City of Brook Park for the portion of the Improvement located in the City of Cleveland; 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 is authorized to enter into one or more agreements with the cities of Brook Park and Parma to complete the Improvement.

Section 2. 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 State of Ohio (the "State", the "Director of Transportation" or "ODOT") to construct the Improvement under plans, specifications, and estimates approved by the State.

Section 3. 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 4. 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. The City gives its consent to the Improvement and its administration by the Director of Transportation provided that this ordinance shall not be construed to impose any financial obligation on the City for the Improvement. 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.

Section 5. 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 6. 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 7. 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 8. 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 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 causes payment to the City of Brook Park for the City of Cleveland's share of the Improvement in the estimated sum of $394,000, 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.~~ 2027 Road and Bridge bonds. (RQS 0103, RLA 2026-97)

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
10-5-26

FOR: Director DeRosa

**Ord. No.**

**REPORT**
**after second Reading**

**Mr.**

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**READ FIRST TIME** **REPORTS**

**and referred to** _____

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**by the council** _____

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**CITY CLERK**

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**READ SECOND TIME**

**by the council** _____

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**CITY CLERK**

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**READ THIRD TIME**

**by the council** _____

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**PRESIDENT**

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**CITY CLERK**

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**APPROVED**

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**MAYOR**

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Published in the City Record _____