

Ordinance No. 1104-18

Council Members J. Jones, Bishop,
McCormack, Johnson, Conwell, Brancatelli
and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding for the rehabilitation East 105th Street, Fulton Road/West 28th Street; and East 131st Street; to apply for and accept grants from various entities for the improvements; authorizing the Director of Capital Projects to enter into contracts and agreements to design and construct the improvements and other agreements needed for the improvements; 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.

WHEREAS, under Article VIII, Section 2k of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

WHEREAS, under Section 164.03 of the Revised Code, the District One Public Work Integrating Committee has been created to evaluate applications for state financing of capital improvement projects of local subdivisions in Cuyahoga County; 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 Mayor is authorized to apply to the District One Public Works Integrating Committee for state funding for the following infrastructure capital improvements:

1. East 105th Street rehabilitation from East Boulevard to Greenlawn Avenue;
2. Fulton Road/West 28th Street rehabilitation from Lorain Avenue to Detroit Avenue; and
3. East 131st Street rehabilitation from Miles Avenue to Union Avenue.

Section 2. That the Mayor is authorized to apply to the District One Public Works Integrating Committee for state funding to obtain credit enhancements and loan assistance in support of the city’s bonds issued for bridge and road improvements.

Section 3. That the Mayor is authorized to accept one or more grants from the Ohio Public Works Commission, acting by and through its Director, and to apply for and

Ordinance No. 1104-18

accept grants or other funding from other public or private entities, to finance the public improvements of rehabilitation of East 105th Street, Fulton Road/West 28th Street; and East 131st Street, more fully described in Section 1 of this ordinance (the "Improvement"); that the Mayor is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 4. That, provided the City sells bonds in 2019 authorized for the purposes of this ordinance, the City of Cleveland is obligated to provide cash matching funds in the amount of the local share.

Section 5. That, provided the City sells bonds in 2019 authorized for the purposes of this ordinance, 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 design, engineering and construction services necessary for 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 shall be prepared by the Director of Law, approved by the Director of Capital Projects and certified by the Director of Finance.

Section 6. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in this ordinance, for the Office of Capital Projects, by one or more contracts duly let to the lowest

Ordinance No. 1104-18

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

Section 7. That, provided the City sells bonds in 2019 authorized for the purposes of this ordinance, the Director of Capital Projects is authorized to enter into one or more contracts for the making of the 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 8. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, NEORS, and GCRTA for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement and costs associated with implementing green infrastructure features to address combined sewer overflows. That 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 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 all land necessary in making of the public improvement, including but not limited to fee simple acquisitions, temporary easements, permanent easements, and work agreements necessary to make the

Ordinance No. 1104-18

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

Section 11. That the Director of Capital Projects is authorized to execute, on behalf of the City, all documents necessary to acquire, accept, and record the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 12. That the Mayor or Director of Capital Projects is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance; and that the funds are appropriated for the purposes described in the ordinance.

Section 13. That the cost of the contracts, payments, property acquisition, cash matches, and other expenditures authorized shall be paid from the fund or funds to which are credited any grant proceeds authorized under this ordinance, the fund or funds to which are credited any proceeds from the sale of 2019 and/or future bonds if authorized by this Council and sold for this purpose, including both general obligation and utility bonds, from cash contributions accepted and appropriated under this ordinance, Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, 20 SF 563, 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586 and from any other funds approved by the Director of Finance for this purpose.

Section 14. 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.

RC:nl
9-10-18

FOR: Director Spronz

Ord. No. 1104-18

Council Members J. Jones, Bishop, McCormack, Johnson, Conwell, Brancatelli and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding for the rehabilitation East 105th Street, Fulton Road/West 28th Street; and East 131st Street; to apply for and accept grants from various entities for the improvements; authorizing the Director of Capital Projects to enter into contracts and agreements to design and construct the improvements and other agreements needed for the improvements; 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.

READ FIRST TIME on SEPTEMBER 10, 2018

and referred to DIRECTORS of Capital Projects, City Planning Commission, Finance, Law; COMMITTEES on Municipal Services and Properties, Development Planning and Sustainability, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ 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

FILED WITH COMMITTEE