

# Ordinance No. 252-2019

**Council Members Keane and Kelley  
(by departmental request)**

## **AN EMERGENCY ORDINANCE**

To amend the title and Section 10 of Ordinance No. 422-18, passed May 14, 2018 relating to the East 185<sup>th</sup> Street and Marcella Road, Memphis Avenue, Henninger Road, Almira Avenue, and West 3<sup>rd</sup> Street area sewer replacements; and to supplement the ordinance by adding new Sections 8a. and 8b. relating to right-of-way acquisition and funding.

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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 Section 10 of Ordinance No. 422-18, passed May 14, 2018, are amended to read as follows:

An Emergency Ordinance determining the method of making the public improvement of constructing the East 185<sup>th</sup> Street and Marcella Road, Memphis Avenue, Henninger Road, Almira Avenue, and West 3<sup>rd</sup> Street area sewer replacement or rehabilitation projects, which may include but not be limited to installing manholes and catch basins; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; authorizing the director to employ one or more professional consultants necessary to design the improvement; authorizing the director to apply for and accept any loans or grants from any public or private entity, including but not limited to, the Northeast Ohio Regional Sewer District for Community Cost Share Program funding, for this purpose; ~~and~~ authorizing the director to apply and pay for permits, licenses, and other authorizations required for the improvement; and authorizing the acquisition of any real property and easements necessary to make the improvement.

Section 10. That the cost of the contracts and other expenditures authorized shall be paid from Fund No. ~~Nos. 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586,~~ 54 SF 001, 54 SF 400, from the fund or funds to which are credited the proceeds of the sale of future bonds, if issued for this purpose, from the fund or funds to which are credited the NEORSD Community Cost Share Program funds, from the fund or funds to which are credited the proceeds from any grant or loan received for this purpose; and from any funds approved by the Director of Finance, Request No. RQS 2003, RLA 2018-6.

Section 2. That the existing title and Section 10 of Ordinance No. 422-18, passed May 14, 2018, are repealed.

Section 3. That Ordinance No. 422-18, passed May 14, 2018, is supplemented by adding new Sections 8a. and 8b. to read as follows:

Section 8a. 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

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acquisitions, temporary easements, permanent easements, and work agreements as is necessary to make the improvements described in this ordinance. The consideration to be paid for the property and easements shall not exceed fair market value, as determined by the Board of Control.

Section 8b. That the Director of Public Utilities 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 4. 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.

LW:nl  
2-25-19

FOR: Director Davis

Council Members Keane and Kelley (by departmental request)

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**READ FIRST TIME on FEBRUARY 25, 2019**  
**and referred to DIRECTORS of Public Utilities,**  
**City Planning Commission, Finance, Law;**  
**COMMITTEES on Safety, Finance**

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
UTILITIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE

FILED WITH COMMITTEE