

# Ordinance No. 699-2019 ( As Amended )

Council Members Polensek, Johnson, Brancatelli and Kelley (by departmental request)

## **AN EMERGENCY ORDINANCE**

Authorizing the Director of Capital Projects to enter into an agreement or agreements with the City of Euclid for the City of Euclid to design and make the public improvement of rehabilitating East 185<sup>th</sup> Street from Pawnee Avenue to Lake Erie; to apply for and accept any gifts or grants for this purpose from any public or private entity; authorizing and any other relative agreements, authorizing the acquisition of any real property and easements necessary to make the improvement; and cause payment for the City's share.

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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 Director of Capital Projects is authorized on behalf of the City of Cleveland ("Cleveland") to enter into an agreement or agreements with the City of Euclid ("Euclid"), to allow Euclid to design and to make the public improvement of rehabilitating East 185<sup>th</sup> from Pawnee Avenue to Lake Erie which is located in the Cities of Cleveland and Euclid (the "Improvement"). The Improvement shall be constructed under plans, specifications, and estimates approved by the Cities of Cleveland and Euclid. The design, construction, and supervision of the Improvement will be arranged by Euclid.

**Section 2.** That Cleveland agrees to participate with Euclid in the cost of the Improvement by contributing approximately forty-seven and one-half percent (47.5%) of the total design and construction, which is estimated to be \$1,670,930 for Cleveland's share of the Improvement. The amount of Federal, County and other construction leverage financing will be deducted from the designated projected costs prior to the application of the participatory percentages and amount of work calculated in each City.

**Section 3.** That Cleveland gives consent to Euclid to apply for and accept Ohio Public Works Commission Issue 1 funds to partially finance the Improvement.

**Section 4.** That this Council requests Euclid to proceed with the Improvement.

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**Section 5.** That the Director of Capital Projects is authorized to apply for and accept any gifts or grants for this purpose 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 under the grant or grants; and that the funds are appropriated for the purposes described in this ordinance.

**Section 6.** That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, 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 to construct the Improvement described in this ordinance.

**Section 7.** That 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. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

**Section 8.** 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 9.** 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 acquisitions, temporary easements, permanent easements, and work agreements as is necessary to make the Improvement 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 10.** 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

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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 11.** That the Director of Capital Projects, when necessary, is authorized to cause payment to any railroad, the Greater Cleveland Regional Transit Authority, and other entities for payment of any services which were necessary to construct the Improvement.

**Section 12.** That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

**Section 13.** That this Council authorizes payment to Euclid of the City's share of the Improvement.

**Section 14.** That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

**Section 15.** That the costs of this ordinance shall be paid from Fund Nos. ~~20-SF~~ **20 SF 568, 20** SF 574, 20 SF 579, 20 SF 586, from the fund or funds to which are credited any proceeds from the sale of bonds authorized by Ordinance No. 510-2019, passed April 29, 2019, the fund or funds to which are credited any gift or grant proceeds accepted under this ordinance, cash matches, cash contributions accepted and appropriated under this ordinance, and from any and all funds approved by the Director of Finance. (RQS 0103, RLA 2019-43)

**Section 16.** 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.

SM:nl  
6-3-19  
FOR: Director Spronz

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### Amendments to Ord. No. 699-2019

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In Section 15, line 1, strike "20 SF"; strike line 2 in its entirety and insert "20 SF 568, 20".

Date: \_\_\_\_\_ (Signed): \_\_\_\_\_  
Stephanie Melnyk  
Chief Assistant Director of Law

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READ FIRST TIME on JUNE 3, 2019  
and referred to DIRECTORS of Capital Projects,  
City Planning Commission, Finance, Law;  
COMMITTEES on Municipal Services and Properties,  
Development Planning and Sustainability

REPORTS

CITY CLERK

READ SECOND TIME  
July 24, 2019.

CITY CLERK

READ THIRD TIME  
July 24, 2019.

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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