

Ordinance No. 76-2019

Council Members: Hairston, Johnson, Brancatelli and Kelley

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio to construct the Interstate 90 / Martin Luther King Jr. Drive interchange improvement; and authorizing agreements.

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”) to construct the following improvement under plans, specifications and estimates approved by the State: enhance the Martin Luther King Jr. Drive underpass connection to Rockefeller Park with the north side of Gordon Park and Dike 14 nature preserve in the City of Cleveland, PID 103821 (the “Improvement”).

Section 2. That the City gives its consent to the Improvement and its administration by the State. 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 State for the financing of the Improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume and contribute 100% of the cost of any item, included in the construction contracts at the request of the City, which are determined by the Director of Transportation to be ineligible or unnecessary for the Improvement.

Section 3. Utilities and Right-of-Way Statement. The City agrees to acquire and/or make available to ODOT, under current State and Federal regulations, all necessary right-of-way required for the Improvement. The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation, relocation and reimbursement, and agrees that all such accommodations, relocations and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 4. Maintenance. That upon completion of the Improvement, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Improvement under 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 5. That this Council requests the State to proceed with the Improvement.

Section 6. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

Section 7. 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 8. 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.

Passed April 15, 2019.

Effective April 17, 2019.