

**Ordinance No. 630-2019**

**Council Members:** Bishop, Johnson and Kelley (by departmental request)

**An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation to upgrade and interconnect a traffic signal located at the intersection of East 116<sup>th</sup> Street and Harvard Avenue in the City of Cleveland.**

**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 consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio (the “Director of Transportation”) to make the following improvements under the plans, specifications and estimates approved by the Director of Transportation: to upgrade the traffic signal at the south leg of the East 116<sup>th</sup> Street and Harvard Avenue intersection and interconnect it with the preemption at the Cleveland Commercial Railroad crossing across East 116<sup>th</sup> Street just north of the intersection in the City of Cleveland, PID No. 106732 (the “Improvement”).

**Section 2.** That 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. However, 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.** That the Director Capital Projects is authorized to enter into agreements with the Director of Transportation necessary to complete the planning and construction of the Improvement.

**Section 4. Utilities and Right-of-Way Statement.** That the City agrees to acquire and/or make available to Ohio Department of Transportation (“ODOT”), in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. 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 5. Maintenance.** That upon 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 6.** That this Council requests ODOT to proceed with the Improvement.

**Section 7.** That the City agrees to allow the Director of Transportation to act as contractual agent for the Improvement.

**Section 8.** That the Clerk of Council is authorized to transmit to the Director of Transportation three (3) certified copies of this ordinance immediately on taking effect, and it shall become the basis for proceeding with the Improvement.

**Section 9.** 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 June 3, 2019.**

**Effective June 5, 2019.**