

Ordinance No. 1040-2021

By Council Members Bishop and Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to employ one or more professional consultants necessary to provide preliminary and environmental engineering services needed for the design of the State Street Bridge over the Cuyahoga River Channel; accepting funds allocated by the Federal Highway Administration through NOACA; authorizing other agreements; accepting gifts and grants; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes any real property and easements needed for the improvement.

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 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 preliminary and environmental engineering services needed for the design of the State Street Bridge over the Cuyahoga River Channel (the “Improvement”).

The selection of the consultant or 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 authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects, and certified by the Director of Finance.

Section 2. That the Director of Capital Projects is authorized to apply to the Northeast Ohio Areawide Coordinating Agency (“NOACA”) to pursue federal economic assistance, on behalf of the City of Cleveland, for the Improvement, and to accept any such available funds.

Section 3. 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

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including but not limited to fee simple acquisitions, temporary easements, permanent easements, and work agreements as is necessary for the Improvement. The consideration to be paid for the property and easements shall not exceed fair market value, as determined by the Board of Control.

Section 4. 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 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 any funds or services; 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, the 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 for the Improvement.

Section 7. 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 for the Improvement.

Section 8. That the Director of Capital Projects is authorized to accept a cash contribution from public or private entities for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose and to cause payment for those purposes.

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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 design and installation of underground lines in connection with the Improvement.

Section 10. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

Section 11. That the cost of this professional service contracts, property acquisition, easements, or other expenditures authorized in this ordinance shall be paid from Fund Nos. 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586, 20 SF 592, 20 SF 597, 20 SF 702, from the fund or funds to which are credited the proceeds of any future bonds if issued for this purpose, from the fund or funds to which are credited funding from NOACA, cash contributions, payments, grants, or gifts accepted under this ordinance, and any funds approved by the Director of Finance. (RQS 0103, RL 2021-107).

Section 12. 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
11-15-2021
FOR: Interim Director Spronz

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REPORT
after second Reading

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READ FIRST TIME on NOVEMBER 15, 2021

and referred to DIRECTORS of Capital Projects, Finance, Law;
COMMITTEES on Municipal Services and Properties, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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PASSAGE RECOMMENDED BY
COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

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