



CUY-90-14.90

PID 77332/85531

APPENDIX EC-06

**Consent Legislation
(Contract Document)**

State of Ohio
Department of Transportation
Jolene M. Molitoris, Director

**Innerbelt Bridge
Construction Contract Group 1 (CCG1)**



OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 12 • 5500 TRANSPORTATION BLVD • GARFIELD HEIGHTS, OH 44125 • (216) 581-2100

TED STRICKLAND, GOVERNOR • JOLENE MOLITORIS, DIRECTOR • BONITA G. TEEUWEN, P.E. DISTRICT DEPUTY DIRECTOR

July 8, 2009

Rob Mavec, Acting Commissioner
Division of Engineering and Construction
City of Cleveland
City Hall
601 Lakeside, N. E.
Cleveland, OH 44114

**RE: PID 85531; CUY-090-14.90 WB Design Build
Westbound Innerbelt Bridge Construction**

Dear Mr. Mavec:

Enclosed for your records please find one (1) signature copy of the fully executed Ordinance No. 705-09 signed by the Director of the Ohio Department of Transportation on July 2, 2009 for the subject improvement.

Please acknowledge receipt of this document as soon as possible.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Schiavoni".

Dale A. Schiavoni, P.E.
Transportation Planning & Programs Administrator

DAS:NRE:nre

Encl: as stated

c: file



CLERK OF COUNCIL

The following Ordinance was passed by the Council of the City of Cleveland

June 8, 2009

Ord. No. 705-09.

By Council Members Cimperman, Cleveland, Brady and Sweeney (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation to construct a new westbound IR-90 structure over the Cuyahoga River Valley north of the existing structure 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 construct a new westbound IR-90 structure over the Cuyahoga River Valley north of the existing structure in the City of Cleveland (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. 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 of Public Service is authorized to enter into agreements with the Director of Transportation necessary to complete the planning and construction of the Improvement.

Section 4. That on completion of the Improvement, the City will maintain the rights-of-way and keep them free of obstructions in a manner satisfactory to the Director of Transportation and hold the rights-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the limits of the rights-of-way.

Section 5. (a) That all existing streets and public rights-of-way within the City necessary for the Improvement shall be made available for the Improvement.

(b) That the City agrees that all rights-of-way required for the Improvement will be acquired and/or

made available under current State and Federal regulations. The City also understands that right-of-way costs include eligible utility costs.

(c) That the installation of all utility facilities on the rights-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

Section 6. That this Council requests the State to proceed with the Improvement.

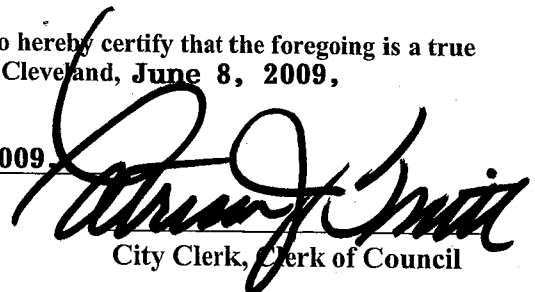
Section 7. That the Clerk of Council is authorized to transmit to the Director of Transportation three (3) certified copies of this ordinance immediately on taking effect, and it shall become the basis for proceeding with the Improvement.

Section 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 June 8, 2009.
Effective June 12, 2009.

I, Patricia J. Britt, City Clerk, Clerk of Council of the City of Cleveland, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 705-09 passed by the Council of the City of Cleveland, June 8, 2009, effective June 12, 2009.

WITNESS my hand and seal at Cleveland, Ohio this 23rd day of June 2009.


City Clerk, Clerk of Council

PID: 85531
C-R-S: CUY-090-14.90 WB DESIGN BUILD
Ordinance #: 705-09

The foregoing is accepted as a basis for proceeding with the improvement herein described.

For the State of Ohio

John M. Mahoney 7/2/09
DIRECTOR, OHIO DEPARTMENT OF TRANSPORTATION DATE