



# CLERK OF COUNCIL

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

December 5, 2011

Ord. No. 1571-11.

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

An emergency ordinance authorizing the Director of Capital Projects to hire one or more consultants for design, engineering and construction services necessary for the rehabilitation of West 6th Street from St. Clair Avenue to Lakeside Avenue; determining the method of making the public improvement; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to accept cash contributions from public and private entities, NEORS, and GCRTA for costs associated with the improvement and to enter into agreements; authorizing the Director to enter into agreements with private utility companies to pay charges for the installation of underground lines; authorizing the Director to enter into a local public agency agreement with the Ohio Department of Transportation to fund and construct the improvement; and authorizing

the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property necessary to make the public 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 professional design, engineering and construction services necessary for West 6th Street from St. Clair Avenue to Lakeside Avenue (the "Improvement").

The selection of the 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 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in this ordinance, for the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

**Section 3.** That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

**Section 4.** That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, NEORS, and GCRTA 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 5.** 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 6.** That the Director of Capital Projects is authorized to enter into a local public agency agreement with the Ohio Department of Transportation to fund and to construct the Improvement.

**Section 7.** 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 for right-of-way purposes real property necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value to be determined by the Board of Control.

**Section 8.** That the Director of Capital Projects is authorized to execute, on behalf of the City, all documents necessary to acquire property and to employ and pay all fees for title companies, surveys, easements, appraisers, and all other costs necessary for the acquisition of the property.

**Section 9.** That the cost of the contracts, payments, property acquisition, and other expenditures authorized shall be paid from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, from the fund or funds to which are credited any grant proceeds, fund or funds to which are credited any funds received under the local public agency agreement, fund or cash contributions accepted and appropriated under this ordinance, and from any other funds approved by the Director of Finance. (RQS 4002, RL 2011-195)

**Section 10.** 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.

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. 1571-11 passed by the Council of the City of Cleveland, December 5, 2011, effective December 9, 2011.

WITNESS my hand and seal at Cleveland, Ohio this 12th day of December 2011.

  
City Clerk, Clerk of Council