

ORDINANCE NO. 027-2025(MSES), *Second Reading*

By Mayor Seren

An Ordinance authorizing the Mayor to enter into an agreement with, and requesting the cooperation of, the County of Cuyahoga, Ohio, ("COUNTY") in the matter of the Resurfacing of Euclid Heights Boulevard in the City of Cleveland Heights ("MUNICIPALITY"); and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the MUNICIPALITY has recognized the need for and proposes the improvement of a portion of the public highway described as:

Resurfacing of Euclid Heights Boulevard (westbound) from Cedar Road to Coventry Road in the City of Cleveland Heights (the "Project").

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. In consideration of the covenants and agreements herein contained to be performed by the parties hereto, it is mutually agreed between the parties hereto as follows:

A. CONSENT

1. The MUNICIPALITY agrees that it is in the public interest and hereby consents to the COUNTY completing the above described Project in accordance with plans, specifications, and estimates approved by the COUNTY.

B. COOPERATION

1. The COUNTY and the MUNICIPALITY will cooperate in the completion of the Project.

2. The MUNICIPALITY will prepare construction plans and specifications, including necessary engineering reports, which shall conform to generally accepted engineering practices and principles.

3. The MUNICIPALITY will arrange for the supervision and administration of the construction contract.

4. The COUNTY will review the construction plans, estimate, specifications and bid proposal for conformance with section B-2 of this Agreement. The MUNICIPALITY shall not advertise the construction contract until the COUNTY has approved these documents. The COUNTY will inspect the completed Project to ensure the

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MUNICIPALITY's compliance with the terms of this agreement.

5. The MUNICIPALITY shall provide the COUNTY with a complete set of as-built plans upon the completion of the Project.

C. FUNDING

1. The MUNICIPALITY hereby agrees to participate with the COUNTY in the cost of the Project by using an allocation from the County Motor Vehicle License Tax Fund to pay the COUNTY's portion of the project.

2. The COUNTY shall contribute fifty percent (50%) of the unfunded portion of the actual cost of construction, construction engineering, construction administration, and construction inspection, subject to the COUNTY's determination that the costs are eligible for reimbursement pursuant to the Cuyahoga County Engineer's policies up to a maximum of \$250,000.00.

3. In the event MUNICIPALITY secures additional funding for the Project, the COUNTY's financial contribution will be reduced accordingly. In no event shall the COUNTY's financial contribution exceed fifty percent (50%) of the portion of the approved Project costs for which there is no supplemental funding.

4. The anticipated construction cost for this project is \$839,300.00. The MUNICIPALITY shall notify the COUNTY immediately of any significant changes to the scope of work and/or construction cost.

D. MAINTENANCE

Upon completion of the Project, the Parties' respective maintenance obligations shall be as follows:

1. The MUNICIPALITY will keep the highway open to traffic at all times.

2. The MUNICIPALITY will maintain the resurfacing in accordance with the provisions of all applicable statutes and will make ample financial provisions for such maintenance.

3. The MUNICIPALITY will maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the COUNTY and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits.

4. The COUNTY shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the Project in accordance with the applicable sections of the Ohio Revised Code.

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5. The Municipality shall follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency (O.E.P.A.).

E. TRAFFIC

The Parties agree to the following with regard to traffic on the improved roadway or highway upon completion of the Project:

1. The MUNICIPALITY will keep the highway open to traffic at all times.

2. The MUNICIPALITY will place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Project in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code.

3. The street or highway shall be and hereby is designated a through highway as provided in Section 451 I.07(A)(6) Ohio Revised Code; and

4. Stop signs affecting the movement of traffic on the improved street or highway located within the Project area shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the Manual are met.

5. The MUNICIPALITY will not enact any rule or regulation that restricts the use of the improved road and/or structure by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway and shall rescind any existing rule or regulation that so restricts the road usage.

6. The MUNICIPALITY shall prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code unless otherwise controlled by local ordinance or resolution.

F. RIGHT-OF-WAY

1. The MUNICIPALITY shall make available for the Project all existing street and public right-of-way within the MUNICIPALITY that is necessary for the Project.

2. The MUNICIPALITY will arrange for the acquisition of any additional right-of-way which may be required for the construction of the Project.

G. PEDESTRIAN FACILITIES

1. The MUNICIPALITY shall upgrade all existing ADA deficient curb ramps within the Project area to conform to the most current ADA regulations and standards.

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2. If the MUNICIPALITY wishes not to replace any ADA deficient curb ramps within the Project area, the MUNICIPALITY shall provide acceptable justification to the COUNTY in advance for the COUNTY's approval.

### H. UTILITIES

1. The MUNICIPALITY will make arrangements with and obtain agreements from privately owned public utility companies whose lines or structures will be affected by the Project, and said companies have agreed to make any and all necessary arrangements in such a manner as to be clear of any construction called for by the plans of Project, and said companies have agreed to make such necessary arrangements immediately after notification by said MUNICIPALITY.

2. The COUNTY will participate in the cost of alterations of governmentally-owned utility facilities which come within the provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the project, provided, however, that such participation will not extend to any additions or betterments of existing facilities.

3. The MUNICIPALITY shall, at its own expense, make all rearrangements of governmentally-owned utilities and/or appurtenances thereto which do not comply with the Provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the Project.

4. The construction, reconstruction, and/or arrangement of all utilities shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the Project, and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provision of the Ohio Department of Transportation Construction and Material Specifications.

### I. MISCELLANEOUS

1. If the MUNICIPALITY includes the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the Project), alternate bid items, or other items in the Project that are in addition to those now existing and not provided for elsewhere in this Agreement, the MUNICIPALITY agrees to pay, or make arrangements for the payment of, the cost of said additional construction, the cost of preliminary and design engineering and construction supervision.

2. The MUNICIPALITY shall be solely responsible for the certifications or obligations made or agreed to in Sections F-1, F-2, G-1, G-3, and G-4, and hereby agrees that the COUNTY shall be and is hereby released from any and all damages or claims of the MUNICIPALITY arising from or growing out of the certification or obligations made or agreed to in said Sections F-1, F-2, G-1, G-3, and G-4 hereinabove.

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3. For matters relating to this Project, the agent for the COUNTY and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.

4. The MUNICIPALITY agrees to make all pertinent contractual books and records and other documents pertaining to the Project available to the COUNTY and its designated agents for purpose of audit and examination upon reasonable request.

5. By entering into this agreement, the City of Cleveland Heights agrees to conduct this transaction by electronic means by agreeing that all documents requiring COUNTY signatures may be executed by electronic means, and that the electronic signatures affixed by the COUNTY to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The MUNICIPALITY also agrees to be bound by the provisions of Chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of Cuyahoga County.

SECTION 2. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to enter into agreements with the COUNTY necessary to complete the planning and construction of this improvement.

SECTION 3. That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to make application to the County of Cuyahoga, Ohio, for approval to use County Motor Vehicle License Tax Funds for the improvement.

SECTION 4. It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights, or by posting the full text of this Resolution to the City of Cleveland Heights website.

SECTION 6. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for expediting highway improvement to promote highway safety. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.



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TONY CUD  
President of Council



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ADDIE BALESTER  
Clerk of Council

PASSED: March 3, 2025

Presented to Mayor: March 5, 2025    Approved: March 13, 2025



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KAHLIL SEREN  
Mayor