

RESOLUTION NO. 077-2025(PD), *First
Reading*

By Mayor Seren

A Resolution authorizing the Mayor to submit an application to the Northeast Ohio Area Wide Coordinating Agency ("NOACA") for a grant under the Congestion Mitigation and Air Quality ("CMAQ") program to fund a multiple-use trail along Washington Boulevard and to accept and enter into any agreements related to the Grant Program; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the following is a Resolution enacted by the City of Cleveland Heights of Cuyahoga County, Ohio, hereinafter referred to as the Local Public Agency ("LPA"), in the matter of the stated described project.

WHEREAS, the City recognizes the challenges to transportation, access, and mobility within the community; and

WHEREAS, the City collaborated with the Cities of South Euclid and University Heights on a Heights Regional Active Transportation Plan ("ATP"), which Council adopted on December 9, 2024; and

WHEREAS, the City completed the Comprehensive & Equitable Safety Action Plan ("CESAP") under the United States Department of Transportation's ("USDOT") Safe Streets and Roadway for All ("SS4A") grant program, which Council adopted on April 7, 2025; and

WHEREAS, the City seeks to implement the recommendations of the ATP and CESAP; and

WHEREAS, one of the projects recommended in both the ATP and the CESAP is a buffered bicycle lane or multiple-use trail along the length of Washington Boulevard; and

WHEREAS, the United States Congress has set aside monies for Congestion Mitigation and Air Quality ("CMAQ") projects through the State of Ohio, Department of Transportation ("ODOT") and administered by the Northeast Ohio Areawide Coordinating Agency ("NOACA"); and

WHEREAS, LPAs can apply for these monies and be selected for funding by the Ohio Association of Regional Councils ("OARC"), which has been charged with management of a statewide CMAQ program by ODOT; and

WHEREAS, the creation of a multiple-use trail along the length of Washington Boulevard in Cleveland Heights is a transportation activity eligible to receive federal CMAQ funding; and

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WHEREAS, if requested funds are granted, the City shall be responsible for at least twenty (20%) percent of the eligible costs *unless NOACA is requested to apply Toll Revenue Credits ("TRC") to TRC eligible applicants, as defined in NOACA's Regional Transportation Investment Policy ("RTIP"); and*

WHEREAS, this Council has determined that it would be in the best interest of the City and its residents to submit the proposed application.

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

SECTION 1: The Mayor is hereby empowered on behalf of the LPA to prepare and execute an application for CMAQ funds for the stated described project and to submit same to the NOACA for consideration of funding by OARC.

SECTION 2: The total cost of the project is estimated to be \$1,200,000, of which the LPA, if awarded the funds, commits to pay at least twenty (20%) percent (hereinafter known as the local portion) of the actual cost, estimated to be \$240,000. The local portion shall be funded by the LPA using general fund funds. The LPA further agrees to pay One Hundred Percent (100%) of the cost over and above the maximum amount provided by the OARC and for all non-participating costs associated with project development activities.

SECTION 3: Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) if necessary, maintain the right-of-way, keeping it free of obstructions; and (4) if necessary, hold said right-of-way inviolate for public highway purposes.

SECTION 4: If the application is approved for funding the Mayor is hereby empowered on behalf of the LPA to enter into a contract with the Director of the Ohio Department of Transportation necessary to complete the above described project.

SECTION 5. It is found and determined that all formal actions of the Council relating to the adoption of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 6. 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 7. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of public peace, health, and safety

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of the inhabitants of the City of Cleveland Heights, such emergency being the need to meet the NOACA application deadline. Wherefore, provided it receives the affirmative vote of five (5) 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.



TONY CUDA
President of Council



ADDIE BALESTER
Clerk of Council

PASSED: May 5, 2025

Presented to Mayor: 05/07/2025 Approved: 05/13/2025



KAHLIL SEREN
Mayor