

(Mayor Potter)

CITY OF KIRTLAND

RESOLUTION NUMBER 23-R-66

A RESOLUTION MODIFYING RESOLUTION 23-R-59 TO AUTHORIZE THE EXPENDITURE OF ADDITIONAL FUNDS TO PERFORM THE PAVING REHABILITATION OF CRARY LANE, FAR-BAR ROAD, HILLCREST ROAD, AND HIGHLAND COURT BY SPECIALIZED CONSTRUCTION, INC., AND DECLARING AN EMERGENCY.

WHEREAS, the City Engineer, in conjunction with the Director of Public Service and the Mayor, has prepared a recommendation of paving various roads within the City of Kirtland, said report has been titled the 2023 Pavement Rehabilitation Project; and

WHEREAS, this Council has previously passed 23-R-50 to select various vendors for work to be done in furtherance of that project; and

WHEREAS, this Council has also passed 23-O-60 setting forth the appropriations for the year, including an appropriation for the 2023 Pavement Rehabilitation Project; and

WHEREAS, Section 5513.01 (B) provides the opportunity for Counties, Townships, Municipal Corporations, Conservancy Districts, Township Park Districts, Park Districts created under Chapter 1545 of the Revised Code, Port Authorities, Regional Transit Authorities, Regional Airport Authorities, Regional Water and Sewer Districts, County Transit Boards, State Universities or Colleges to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies or other articles; and

WHEREAS, the City of Kirtland has previously passed Resolution 22-R-56 granting the Director of Public Service the authority to make certain transactions on behalf of the City of Kirtland pursuant to ODOT's Cooperative Purchasing Powers; and

WHEREAS, on August 21, 2023, the City of Kirtland has previously passed Resolution 23-R-59 authorizing Specialized Construction to perform various paving work on Hobart Road, Regency Woods Drive, Crary Lane, Far-Bar Road, Hillcrest Road, and Highland Court for a cost not to exceed \$300,000.00 despite additional funds being appropriated for road repairs; and

WHEREAS, the funds used for this additional work have already been appropriated by this Council in its annual appropriations in 23-O-60; this work falls under the authority given to the Director of Public Service in 22-R-56; and it is currently encumbered in a specific fund which has already been budgeted for asphalt repairs on City streets.

WHEREAS, the rehabilitation work on Regency Woods Drive and Hobart Road cost \$289,501.00, and any additional work on Crary Lane, Far-Bar Road, Hillcrest Road, and Highland Court would exceed the originally granted authority; and

WHEREAS, the cost of paving repairs on Crary Lane and Far-Bar Road would cost approximately \$12,750 while the cost of paving repairs on Hillcrest Road and Highland Court are projected to cost \$21,250, said estimates are attached hereto and incorporated herein as Exhibits A and B; and

WHEREAS, the Director of Public Service asks this Council for the authority to utilize the \$300,000 in funds that were already authorized and to pay any amount over that figure out of the already encumbered funds that have been appropriated by 23-O-60 for road paving repairs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kirtland, County of Lake and State of Ohio, that:

SECTION I. Resolution 23-R-59 is hereby modified and amended to reflect the following:

SECTION II. The Director of Public Service is authorized to enter into a contract with Specialized Construction, Inc. pursuant to its bid in ODOT Contract 101G-24 for rehabilitation work on the following roads: Hobart Road, Regency Woods Drive, Crary Lane, Far-Bar Road, Hillcrest Road, and Highland Court. Said amount shall be in conformance with the appropriated funds for the City's road program as enumerated in its Annual Appropriations, which may be amended from time to time. The previously appropriated \$300,000 shall be paid out of the necessary fund; however, any amount over \$300,000 shall be paid out of any other funds that have been duly encumbered and appropriated for said road repairs through the authorizing legislation of 23-O-60.

SECTION III. The Director of Public Service is hereby authorized to agree in the name of the City of Kirtland to be bound by all terms and conditions as the Director of Transportation prescribes.

SECTION IV. That the City of Kirtland agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Ohio Revised Code. The City of Kirtland agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the City of Kirtland may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.

SECTION V:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to provide for the usual and customary operations of the City, particularly by utilizing the best rates possible to pay for road materials and maintain or fix this City's roads. Therefore, this Resolution shall be in full force and effect immediately upon its passage by the

affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Resolution shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____

Second Reading: _____

Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2023.

ATTEST:

Approved by the Mayor, this ___ day
of _____, 2023.

Clerk of Council
Modify 23-R-59 for Specialized 101-G ODOT Paving

Mayor Kevin F. Potter

Quote for Kirtland 2023 101G Repairs

Specialized Construction Inc.
711 Harvard Ave.
Cuyahoga Heights, OH 44105

Phone: (216) 271-3363
Fax: (216) 271-5310

Bond: Not Included
Sales Tax: Not Included
Bid Date:

Quote To:

Phone:
Fax:
Email:

Quote is valid for 30 days.

Item	Description	Quantity	Unit	Unit Price	Extension
6	Skin Patch Paver Repairs - Hillcrest / Highland	50.000	TON	425.000	21,250.00
				Total Quote: \$	21,250.00

Quote for Kirtland 2023 101G Repairs

Specialized Construction Inc.
 711 Harvard Ave.
 Cuyahoga Heights, OH 44105

Phone: (216) 271-3363
Fax: (216) 271-5310

Bond: Not Included
Sales Tax: Not Included
Bid Date: 08/30/2023

Quote To: **Phone:**
Fax:
Email:

Quote is valid for 30 days.

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Extension</u>
5	Skin Patch Paver Repairs - Cary / Far Bar	30.000	TON	425.000	12,750.00
				Total Quote: \$	12,750.00