

RESOLUTION NO.: 2012-R27
SPONSOR: MAYOR NORTON
INTRODUCED: JUNE 26, 2012 **ASSIGNED TO:** _____

A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO A CONTRACT(S) FOR EMERGENCY REPAIRS TO THE FORTUNA DRIVE TRAFFIC SIGNALIZATION WITHOUT FORMAL BIDDING OR ADVERTISING, MAKING AN APPROPRIATION OF ONE HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$125,000.00), AND AUTHORIZING THE PAYMENT OF SERVICES RENDERED FOR REPAIRS, AND DECLARING AN EMERGENCY.

WHEREAS, on June 12, 2012, there was a vehicular accident where a private dump truck tore down the traffic signalization at the intersection of Fortuna Drive and State Route 619; and

WHEREAS, the City needs to make necessary repairs to the intersection to insure that it does not incur liability as a result of its condition; and

WHEREAS, Revised Code 735.051 allows the City of Green to enter into a contract(s) to make the necessary repairs of the signalization without formal bidding and advertising processes if a real and present emergency exists regarding the operation and maintenance of its roads which are included within the Department of Public Service; and

WHEREAS, a real and present emergency exists regarding the repair of the traffic signalization at Fortuna Drive and State Route 619; and

WHEREAS, it has been determined the City has needed to order emergency repair services that exceed the current appropriation; and

WHEREAS, Ohio Revised Code, Section 5705.41 requires City Council to authorize expenditures that exceed appropriations at the time of expenditure; and

WHEREAS, it is necessary to appropriate funds to pay for the repairs.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT AND STATE OF OHIO THAT:

SECTION ONE:

City Council authorizes the City Engineer to solicit bids and undertake the emergency repairs to the Fortuna Drive traffic signals without using the formal bidding and advertising process, and further requests the Law Director to pursue legal reimbursement from the responsible insurance company for the costs incurred by the City to repair the damages incurred on June 12, 2012.

SECTION TWO:

City Council authorizes an appropriation of One Hundred Twenty Five Thousand Dollars (\$125,000.00) to the Traffic Signs and Signals Repair Account # 201-2220-52423, from the unappropriated balance of the Street Construction and Maintenance Fund to be used towards the cost of repairing the intersection of Fortuna Drive. City Council authorizes and directs the Finance Director to make payment to the contractor(s) chosen by the City Engineer through the established purchase order procedures.

SECTION THREE:

City Council authorizes the payment of all invoices for repairs received to date that exceed the original appropriation levels.

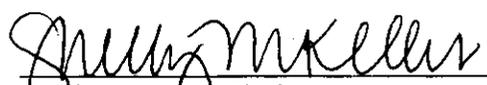
SECTION FOUR:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION FIVE:

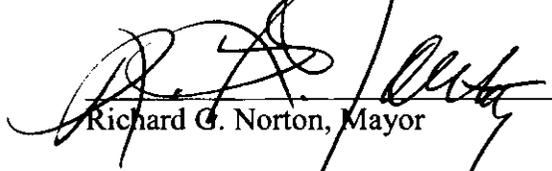
Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: June 26


Molly Stevens, Clerk
Shelly Kaler, Acting Clerk


Council President

APPROVED: June 26, 2012


Richard G. Norton, Mayor

COPIED
SVCE ZONE PARK ROAD ENG
LAW FIN MAY PLAN FIRE

ENACTED EFFECTIVE: June 26, 2012

ON ROLL CALL: Colopy ^{ABSENT} France ^{yea} Humphreys ^{yea} Knodel ^{yea}
Neugebauer ^{yea} Reed ^{yea} Summerville ^{yea} Adopted 6-0

Suburbanite publication on July 1 and July 8

Sally McKeel
~~Molly Stevens, Clerk~~
Sally McKeel, Acting Clerk

6/26/2012 Approved as to form and content by Stephen J. Pruneski, Law Director

SP 6/26/12