

**RESOLUTION NO.:** 2013-R61  
**SPONSOR:** MAYOR NORTON  
**INTRODUCED:** OCTOBER 22, 2013

**ASSIGNED TO:** FINANCE

**A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN AGREEMENT WITH SPANO BROTHERS CONSTRUCTION, INC FOR EMERGENCY REPAIRS ALONG STATE ROUTE 619, OBVIATING FORMAL BIDDING AND ADVERTISING FOR A CONTRACT, AND DECLARING AN EMERGENCY.**

WHEREAS, the City has discovered a condition that requires immediate action to repair the slope on State Route 619, west of Massillon Road, at a cost of approximately Seventy One Thousand Six Hundred and One Dollar (\$71,601.00); and

WHEREAS, it is necessary to make an emergency repair to this Property to eliminate a potential hazard within the roadway which could create a liability to the City; and

WHEREAS, Ohio Revised Code Section 723.52 requires the City to solicit competitive bids for the Project since the estimated cost exceeds Thirty Thousand Dollars (\$30,000.00); and

WHEREAS, the Service Department sought and obtained three (3) proposals for the work and desires to enter into an Agreement with Spano Brothers Construction, Inc to perform the work; and

WHEREAS, Ohio Revised Code Section 735.051 permits the City to forego the formal advertising and bidding process for the award of a contract if a real and present emergency exists regarding the operation of the roadway; and

WHEREAS, Green City Council believes that real and present emergency exists requiring the City to take immediate action to make the repair contemplated by the Agreement.

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

**SECTION ONE:**

Green City Council authorizes the City of Green to enter into an Agreement with Spano Brothers Construction, Inc for emergency repairs along State Route 619 and finds that a real and present emergency exists requiring immediate action to be taken to make the repair to the roadway. City Council specifically authorizes the City to forego the formal bidding and advertising required for a Project involving streets of the City in the City of Green. City Council further authorizes payment of any outstanding invoices regarding the repairs by Spano Brothers Construction, Inc.

**SECTION TWO:**

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 THREE:**

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: Oct 22, 2013

Molly Kapeluck  
Molly Kapeluck, Clerk

Dave France  
Dave France, Council President

APPROVED: Oct 22, 2013

Richard G. Norton  
Richard G. Norton, Mayor

ENACTED EFFECTIVE: Oct 22, 2013

ON ROLL CALL: Colopy - Absent    France <sup>yes</sup>    Humphrey <sup>yes</sup>    Knodel <sup>yes</sup>  
Neugebauer <sup>yes</sup>    Reed <sup>yes</sup>    Summerville <sup>yes</sup>    Adopted 6/6

Suburbanite publication on Oct 21 and Nov 5 2013

Molly Kapeluck  
Molly Kapeluck, Clerk

10/16/2013 Approved as to form and content by Stephen J. Pruneski, Law Director SP 10/9/13

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