

**RESOLUTION NO.:** 2021-R48  
**SPONSOR:** MAYOR NEUGEBAUER  
**INTRODUCED:** JULY 13, 2021 **ASSIGNED TO:** \_\_\_\_\_

**A RESOLUTION MAKING ADDITIONAL APPROPRIATION OF THREE HUNDRED FORTY-TWO THOUSAND THREE HUNDRED EIGHTY DOLLARS AND NINETY-FIVE CENTS (\$342,380.95) FOR UTILITY RELOCATION SERVICES, AND AUTHORIZES THE PAYMENT OF PAST DUE INVOICES FOR CAPITAL PROJECT COSTS, AND DECLARING AN EMERGENCY.**

WHEREAS, the City Engineer determined additional funds are necessary for the past due invoice from AT&T for capital project costs ordered and received for the Massillon Road North Project; and, the purchase of Real Property from Summa Health System for the Massillon Road/Boettler Round-About Project; and

WHEREAS, the City has been negotiating with AT&T for Change Order Costs, Project/Change Order No: A018CE7-1, dated December 9, 2019, for the relocation of utilities, which was completed during the construction of the Massillon Road North Project, but has not been appropriated for, and exceeds the 2021 appropriations; and

WHEREAS, the City has agreed to a mutual right-of-way cost, dated May 11, 2021, to purchase the real property, an area contained in Parcel #28-13677 of 0.0409 acres, from Summa Health System in connection with the construction of the Massillon Road/Boettler Round-About, with an approved Purchase Order (PO # 21-0042208) dated June 3, 2021; and

WHEREAS, Ohio Revised Code, Section 5705.41 requires Green City Council to authorize expenditures that exceed appropriations at the time of contractual agreement and/or expenditure.

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

**SECTION ONE:**

Green City Council authorizes the appropriation of Three Hundred Forty-Two Thousand Three Hundred Eighty Dollars and Ninety-Five Cents (\$342,380.95) to the Massillon Road North Account (Acct# 403-8010-53636) for the relocation of utilities services from the unappropriated balance of the TIF Capital Projects Fund. Green City Council further authorizes the Finance Director to make payment of the AT&T Change Order, a copy of which is attached hereto as Exhibit "A", for this Project through established purchase order procedures.

**SECTION TWO:**

Green City Council authorizes the Finance Director to pay Summa Health System Twenty-Four Thousand Eight Hundred Sixty Dollars (\$24,860.00) for the Contract for Sale and Purchase of Real Property, a copy of which is attached hereto as Exhibit "B", as approved by the Mayor with Purchase Order #21-0042208, dated June 3, 2021, for this Project right-of-way cost.

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**SECTION THREE:**

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 an open meeting 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 FOUR:**

Green City 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 and for the further reason that this is an appropriation of money. Provided that this legislation receives the affirmative vote of three-fourths ( $\frac{3}{4}$ ths) 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: \_\_\_\_\_

\_\_\_\_\_  
Nichole Messner, Clerk of Council

\_\_\_\_\_  
Rocco Yeargin, Council President

APPROVED: \_\_\_\_\_, 2021

\_\_\_\_\_  
Gerard M. Neugebauer, Mayor

ENACTED EFFECTIVE: \_\_\_\_\_, 2021

ON ROLL CALL:    Babbitt            Brandenburg            DeVitis            France  
                         Meager            Shaughnessy            Yeargin

*Suburbanite* publication on \_\_\_\_\_ and \_\_\_\_\_

\_\_\_\_\_  
Nichole Messner, Clerk of Council