

**RESOLUTION NO.:** 2018-R42  
**SPONSOR:** MAYOR NEUGEBAUER  
**INTRODUCED:** MAY 8, 2018 **ASSIGNED TO:** \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN ADDITIONAL CONTRACT WITH BURGESS & NIPLE, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE MASSILLON ROAD NORTH IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.**

WHEREAS, by Resolution 2013-R13, 2015-R15, and 2016-R75, City Council approved a Contract (“Contract”) and two subsequent modifications to the Contract with Burgess & Niple, Inc., for Professional Engineering Services for the Massillon Road North Improvement Project (“Project”); and

WHEREAS, the Contract approved by City Council via Resolution 2013-R13 contained a clause establishing a total maximum prime compensation of Four Hundred Forty-One Thousand Five Hundred Seventy-One Dollars (\$441,571.00) for Stage 1 of the Project; and

WHEREAS, the Contract modification (“Modification No. 1”) approved by City Council via Resolution 2015-R15 increased the Contract by Nine Hundred Sixty-Four Thousand Nine Hundred Twenty-Nine Dollars (\$964,929.00) for Stage 2 design of the Project; and

WHEREAS, the Contract modification (“Modification No. 2”) approved by City Council via Resolution 2016-R75 increased the Contract by Eight Hundred Forty-Five Thousand Nine Hundred Ninety-Five Dollars (\$845,995.00) for Final design of the Project; and

WHEREAS, City of Green has been working closely with Burgess & Niple, Inc., and the Ohio Department of Transportation to plan the Massillon Road North Improvement Project; and

WHEREAS, City desires to once again modify the Contract with Burgess & Niple, Inc., for Professional Engineering Services for right-of-way acquisition services, additional utility relocation, relocation of detention ponds and final engineering as a result of the expanded scope of work to address ODOT and City of Green review comments; thus, increasing the Contract modification (“Modification No. 3”) by an additional Five Hundred Thirty-Seven Thousand One Hundred Sixty-Nine Dollars (\$537,169.00); and

WHEREAS, it is necessary for City Council to approve this Modification No. 3 to the Contract for right-of-way acquisition services and final engineering for an expanded scope of work.

**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 Green to enter into the Amended Contract, Modification No.3, a copy of which is attached hereto and incorporated herein as Exhibit “A”, for additional Professional Engineering Services regarding right-of-way acquisition services and final engineering for an expanded scope of work.

**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. It is necessary to immediately proceed with the additional work by Burgess & Niple, Inc., to ensure that the Project can be timely commenced and timely completed. 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: \_\_\_\_\_

\_\_\_\_\_  
Molly Kapeluck, Clerk

\_\_\_\_\_  
Chris Humphrey, Council President

APPROVED: \_\_\_\_\_, 2018

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

ENACTED EFFECTIVE: \_\_\_\_\_, 2018

ON ROLL CALL:	Babbitt	Dyer	Humphrey	Shaughnessy
	Speight	Yeargin	Young	

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

\_\_\_\_\_  
Molly Kapeluck, Clerk of Council