

RESOLUTION NO.: 2022-R40
SPONSOR: MAYOR NEUGEBAUER
INTRODUCED: JULY 26, 2022 **ASSIGNED TO:** _____

A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH MARKS CONSTRUCTION, INC FOR THE ARISS PARK IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, Green City Council, by Resolution 2022-R21 awarded a Contract to Marks Construction, Inc for improvements to expand youth sport facilities, activities, and improve ADA accessibility within Ariss Park; and

WHEREAS, the City of Green Council authorized a Contract with Marks Construction, Inc for improvements to Ariss Park at a Contract price of Three Hundred Eighty-Five Thousand Three Hundred Twenty-Nine Dollars and Eighty-Six Cents (\$385,329.86) plus a ten percent (10%) contingency for a total Contract amount of Four Hundred Twenty-Three Thousand Eight Hundred Sixty-Two Dollars and Eighty-Five Cents (\$423,862.85); and

WHEREAS, since then, the excavation of the fields has unearthed soil conditions incompatible with the desired outcome for a healthy athletic field turf and safe playing fields; and

WHEREAS, the City Engineer and the Director of Public Service agree the best solution to create soil conditions to promote healthy turf and safe playing fields is to import and install one thousand (1,000) cubic yards of screened topsoil at a cost of approximately Twenty-Five Thousand Dollars (\$25,000.00).

WHEREAS, in accordance with the City of Green Codified Ordinance Section 210.06, since the increase is more than ten percent (10%), the same must be presented to Council for approval; and

WHEREAS, the Administration is requesting first (1st) reading passage on July 26, 2022 to continue to meet the established construction schedule for necessary completion of critical milestones, and to prevent delays with other planned 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 the Mayor to initiate a change order to the original Contract in the amount of Twenty-Five Thousand Dollars (\$25,000.00) from Account #402-7820-53630 and increase purchase order #22-0043134 by Twenty-Five Thousand Dollars (\$25,000.00).

SECTION TWO:

Green City Council authorizes the Finance Director to make payments to Marks Construction, Inc through the established purchase order procedures based upon approved change order.

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 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 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 so that the Project may proceed immediately and forthwith 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

Dave France, Council President

APPROVED: _____, 2022

Gerard M. Neugebauer, Mayor

ENACTED EFFECTIVE: _____, 2022

ON ROLL CALL: Babbitt _____ Brandenburg _____ DeVitis _____ France _____
 Noble _____ Meager _____ Yeargin _____

Southside Leader publication on _____ and _____

Nichole Messner, Clerk of Council

07/21/2022 Approved as to form and content by Lisa Carey Dean, Law Director _____