

**RESOLUTION NO.:** 2021-R04  
**SPONSOR:** MAYOR NEUGEBAUER  
**INTRODUCED:** JANUARY 26, 2021 **ASSIGNED TO:** \_\_\_\_\_

**A RESOLUTION TO AMEND RESOLUTION 2020-R44, ADOPTED MAY 26, 2020, AUTHORIZING THE CITY OF GREEN TO ENTER INTO A MODIFIED ADDITIONAL CONTRACT WITH BURGESS & NIPLE, INC. FOR ADDITIONAL COMPENSATION TO COMPLETE THE PLANS FOR PROFESSIONAL ENGINEERING SERVICES FOR THE MASSILLON ROAD NORTH IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.**

WHEREAS, by Resolutions 2013-R13, 2015-R15, 2016-R75, 2018-R42 and 2020-R44, Green City Council approved a Contract (“Contract”) and four (4) subsequent modifications to the Contract with Burgess & Niple, Inc., for Professional Engineering Services for the Massillon Road North Improvement Project (“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, the Ohio Department of Transportation has reviewed the format of Modification No. 4 to the Contract between the City of Green and Burgess & Niple Inc. that was approved by Green City Council attached to Resolution 2020-R44 and asked that it be revised; and

WHEREAS, Modification No. 4 of the Contract with Burgess & Niple, Inc. remains a net increase of Thirty-Two Thousand Seven Hundred Sixteen Dollars (\$32,716.00); and

WHEREAS, it is necessary for City Council to approve this revised format of Modification No. 4 to the Contract, a copy of which is attached hereto and incorporated herein as Exhibit “A”.

**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.4 for additional Professional Engineering Services regarding right-of-way acquisition services and final engineering for an expanded scope of work, a copy of which is attached hereto and incorporated herein as Exhibit “A”.

**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:**

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. 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

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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: \_\_\_\_\_

\_\_\_\_\_  
Nichole Baldinger, Clerk of Council

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

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

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

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

ON ROLL CALL:   Babbitt                      Brandenburg                      DeVitis                      France  
                                  Shaughnessy                      Yeargin

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

\_\_\_\_\_  
Nichole Baldinger, Clerk of Council