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President of Council

DAVID A. REICHEL  
Vice President of Council

VICTORIA ANN SAVAGE, CMC  
Clerk of Council

# City of Willoughby Hills

Council  
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NANCY E. FELLOWS  
DAVID M. FIEBIG  
FRANK A. GERMANO  
RAYMOND C. SOMICH

## ORDINANCE NO. 2010-37

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### **AN ORDINANCE APPROVING CHANGE ORDER NO. 1 – FINAL FOR THE MAPLE GROVE ROAD SLOPE FAILURE IMPROVEMENT CONTRACT WITH MR. EXCAVATOR, INC. OF KIRTLAND, OHIO; AND DECLARING AN EMERGENCY.**

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**WHEREAS**, Ordinance No. 2010-14, adopted by Council on April 8, 2010, authorized and directed the Mayor to enter into contract with Mr. Excavator, Inc. of Kirtland, Ohio for the Maple Grove Road Slope Failure Improvement Contract; and

**WHEREAS**, additional work was performed by Mr. Excavator, Inc. that is beyond the scope of work in the contract; and

**WHEREAS**, to ensure that timely payment be provided to the contractor, Mr. Excavator, Inc., for additional work performed; and

**WHEREAS**, the Lake County Engineer and the Lake County Stormwater Management Department have approved said additional work performed by Mr. Excavator, Inc. as evidenced by Change Order No. 1 - FINAL; and

**WHEREAS**, the Council of the City of Willoughby Hills deems it necessary to maintain a good faith relationship with Mr. Excavator, Inc. and to ensure that timely payment be made to said Contractor.

***NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:***

**SECTION 1.** Change Order No. 1 – FINAL for the Maple Grove Road Slope Failure Improvement Contract with Mr. Excavator, Inc. of Kirtland, Ohio in the amount of \$71,343.60 for additional work and services as identified in the Change Order No. 1 - FINAL, dated October 21, 2010, attached hereto as “**Exhibit A**”, consisting of 1 page, and incorporated herein by reference, is hereby approved in accordance with the recommendation of the Project Engineer; CT Consultants, Inc., and to that extent, said Contract is hereby amended.

**SECTION 2.** The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

**SECTION 3.** This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills insofar as it provides for the usual daily operation of a municipal department, and further provides that the City will continue working in good faith with Mr. Excavator, Inc. and to ensure that immediate payment be made to said Contractor; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

**ORDINANCE NO. 2010-37**

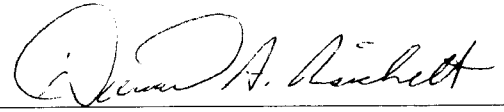
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PASSED: November 11, 2010

Submitted to the Mayor for his approval  
on this 11 day of November, 2010

ATTEST:

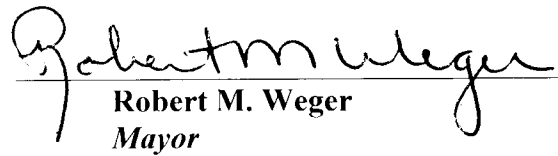
  
Victoria Ann Savage, CMC  
Clerk of Council



David A. Reichelt  
President of Council, Pro-tem

Approved by the Mayor

November 11, 2010

  
Robert M. Weger  
Mayor