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Clerk of Council

# City of Willoughby Hills

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FRANK A. GERMANO  
KEVIN D. MALECEK  
RAYMOND C. SOMICH

## **ORDINANCE NO. 2012 – 1**

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**AN ORDINANCE APPROVING CHANGE ORDER NO. 3 - FINAL FOR THE EUCLID CREEK TRIBUTARY WATERSHED (ECTW) – AREA “C” SANITARY SEWER IMPROVEMENT CONTRACT 5 WITH FABRIZI TRUCKING AND PAVING COMPANY, INC. OF VALLEY CITY, OHIO; AND DECLARING AN EMERGENCY.**

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**WHEREAS**, Ordinance No. 2009-79, adopted by Council on October 22, 2009, authorized and directed the Mayor to enter into contract with Fabrizi Trucking and Paving Company, Inc. of Valley City, Ohio for the Euclid Creek Tributary Watershed Area “C” Sanitary Sewer Improvement Contract 5; and

**WHEREAS**, additional work was performed by Fabrizi Trucking and Paving Company, Inc. that is beyond the scope of work in the contract; and

**WHEREAS**, the City Engineer confirmed that the final contract amount is the exact number that has been discussed since last fall; and, was covered in the Final Assessment Package levied to the property owners in Assessment Area C; and

**WHEREAS**, the City of Willoughby Hills wants to ensure that timely payment be provided to the Contractor, Fabrizi Trucking and Paving Company, Inc., for additional work performed; and

**WHEREAS**, the Ohio Environmental Protection Agency has approved said additional work performed by Fabrizi Trucking and Paving Company, Inc. as evidenced by Change Order No. 3 - FINAL; and

**WHEREAS**, the Council of the City of Willoughby Hills deems it necessary to maintain a good faith relationship with Fabrizi Trucking and Paving Company, Inc. and to ensure that timely payment be made to said Contractor in order to comply with the financing requirements as established by the Ohio EPA.

***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. 3 for the Euclid Creek Tributary Watershed Area “C” Sanitary Sewer Improvement Contract 5 with Fabrizi Trucking and Paving Company, Inc. of Valley City, Ohio in the amount of **\$152,905.01** for additional work and services as identified in the *State of Ohio Water Pollution Control Loan Fund Change Order No. 3-Final, dated January 20, 2012*, attached hereto as “**Exhibit A**” consisting of three (3) pages, 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.

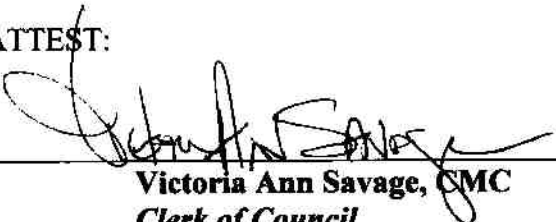
**SECTION 2.** The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements 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 Fabrizi Trucking and Paving Company, Inc. and to ensure that immediate payment be made to said Contractor in order to comply with the financing requirements as established by the Ohio EPA; wherefore, this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: February 9, 2012

Submitted to the Mayor for his approval  
on this 9 day of February, 2012

ATTEST:

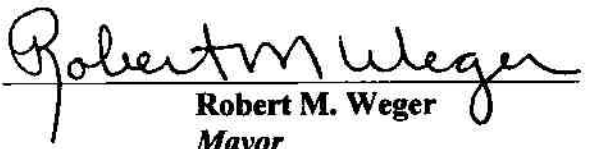
  
Victoria Ann Savage, CMC  
Clerk of Council



David A. Reichelt  
President of Council

Approved by the Mayor

February 9, 2012

  
Robert M. Weger  
Mayor