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Vice President of Council

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Clerk of Council

# City of Willoughby Hills

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## ORDINANCE NO. 2012 – 36

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### **AN ORDINANCE APPROVING CHANGE ORDER NO. 1 INCREASING THE CONTRACT AMOUNT FOR THE ROGERS ROAD STABILIZATION CONTRACT WITH MAROUS BROTHERS CONSTRUCTION, INC.; AND DECLARING AN EMERGENCY.**

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**WHEREAS**, Ordinance No. 2012-14, adopted by Council on April 2, 2012, authorized and directed the Mayor to enter into contract with Marous Brothers Construction for the Rogers Road Stabilization Improvements; and

**WHEREAS**, a second failure of the slope along Rogers Road within close proximity of the original slope repair prompted the City to move forward as a Change Order in order to complete the work as quickly as possible; and

**WHEREAS**, the City of Willoughby Hills has elected to waive the formal bidding process and views this slope failure as an emergency that threatens public safety; directly impacts Rogers Road; and, degrades the water quality of the Chagrin River; and

**WHEREAS**, Marous Brothers Construction, Inc., of Willoughby Ohio, is currently under contract and mobilized to repair a similar slope failure on Rogers Road that required a road closure; and

**WHEREAS**, the Lake County Stormwater Management Department has pledged to fund the additional work as described by Change Order Number 1; and

**WHEREAS**, the Council of the City of Willoughby Hills deems it necessary to prevent further erosion and road damage; and, wishes 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, increasing the contract amount for the Rogers Road Stabilization Improvement with Marous Brothers Construction of Willoughby, Ohio in the amount of **\$50,000.00** for additional work and services as identified in **Change Order No. 1, dated July 17, 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 Marous Brothers Construction by ensuring that immediate payment be made to said Contractor.

PASSED: July 26, 2012

Submitted to the Mayor for his approval  
on this 26 day of July, 2012

ATTEST:  
Victoria Ann Savage  
Victoria Ann Savage, CMC  
Clerk of Council

David A. Reichelt  
David A. Reichelt  
President of Council

Approved by the Mayor  
July 26, 2012  
Robert M. Weger  
Robert M. Weger  
Mayor