

Village of Bolivar, Ohio

Ordinance Number: 0-6-2023

TITLE: AN ORDINANCE TO ACCEPT A PORTION OF THE TUSCARAWAS COUNTY ENGINEER'S 2023 PAVING ESTIMATE FOR THE VILLAGE OF BOLIVAR; AND DECLARING AN EMERGENCY.

WHEREAS, the Legislation Authority for the Village of Bolivar is in receipt of the 2023 Paving Estimate that was prepared by the Tuscarawas County Engineer dated March 1, 2023, a copy of which is attached hereto as Exhibit A (hereinafter referred to as the "Engineer's Estimate"); and

WHEREAS, the Legislative Authority for the Village of Bolivar has reviewed the Engineer's Estimate and prioritized which portions of the Engineer's Estimate are both financially feasible and most in need of repaving and repair; and

WHEREAS, the Legislative Authority for the Village of Bolivar desires to accept a portion of the Engineer's Estimate and authorize the Village Administrator and Fiscal Officer to remit payment for the same upon completion of the work.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BOLIVAR, COUNTY OF TUSCARAWAS, STATE OF OHIO, A MAJORITY OF ITS MEMBERS ELECTED THERETO CONCURRING, THAT:

SECTION 1. The Legislative Authority for the Village of Bolivar hereby accepts and authorizes payment upon completion of work for the following portions of the Engineer's Estimate:

- "Canal Street – Walnut Street to Tuscarawas @ New Pavement," in an amount not to exceed \$22,756.20;
- "Canal Street – Village Hall to N. Park Avenue," in an amount not to exceed \$43,130.70;
- "Walnut Street – Canal Street to Park Avenue (212)," in an amount not to exceed \$12,473.07; and
- "Sassafras Alley – Pine to Poplar," in an amount not to exceed \$3,935.67.

SECTION 2. In accordance with R.C. 735.053, competitive bidding is not required as a prerequisite to enter into any agreement with the Tuscarawas County Engineer for repaving and street repair contemplated by this Ordinance because the Village of Bolivar is contracting for services or the purchase of material, equipment, or supplies from another political subdivision of the State of Ohio.

SECTION 3. The Village Administrator and Fiscal Officer are authorized to execute any agreement for paving as set forth herein and may remit payment to the Tuscarawas County Engineer in the amounts not exceeding those set forth in Section 1.

SECTION 4. The Fiscal Officer is directed to appropriate sufficient funds to meet the maximum amount that may be paid as the purchase price for services, materiel,

equipment, or supplies set forth herein unless funds have previously been appropriated and remain unencumbered for such purpose.

SECTION 5. Except as set forth herein, any portion of the Engineer’s Estimate not approved by this Ordinance are rejected, subject to further action by the Legislative Authority for the Village of Bolivar.

SECTION 6. In accordance with the Engineer’s Estimate, the Village of Bolivar recognizes that actual costs may vary except that no payment may be made except in the maximum amounts set forth herein subject to further revision by the Legislative Authority for the Village of Bolivar.

SECTION 7. This Ordinance repeals all previous Ordinances or parts thereof in conflict herewith.

SECTION 8. It is found and determined that all formal actions of this Council concerning and related to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any its committees that resulted in such formal action were in meeting open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety, and general welfare for the reason that the deadline to accept the Engineer’s Estimate is March 31, 2023; and, this Ordinance shall be in full force and effective immediately upon its passage.

PASSED IN COUNCIL this 2 day of March 2023.

Attest:

Tim Lang, Mayor

Barb Kline, Fiscal Officer

Approved as to Legal Form by:

Stephan P. Babik, Village Solicitor