

RESOLUTION NO. 108-2024(PD) *Second
Reading*

By Mayor Seren

A Resolution authorizing the Mayor to enter into an agreement with Protect-A-Cote, Inc, to make the public improvement of the Compton Road Pocket Park Pathway through the use of ARPA Funds; and declaring the necessity that this legislation be effective immediately as an emergency measure.

WHEREAS, this Council passed Ordinance No. 179-2023 on December 18, 2023, appropriating Five Hundred Thousand Dollars (\$500,000.00) of the City's award under the American Recovery Plan Act of 2021 to provide for, *inter alia*, the improvement of pathways throughout City parks ("ARPA Funds"); and

WHEREAS, the Compton Road Neighborhood Pocket Park Project (Bid Document No. 24-11) (the "Project") is one of the Complete Streets improvements for the neighborhood surrounding Compton Road and includes the installation of a North/South pathway at or around 3354 Berkely Road, Cleveland Heights, Ohio 44118; and

WHEREAS, the Project was publicly bid and the City accepted a bid of \$113,636.67 on May 17, 2024, from Protect-A-Cote, Inc. to construct the public improvement.

BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. In accordance with Ordinance No. 179-2023 and notwithstanding any provision of Codified Ordinances Chapter 171 to the contrary, the Mayor is hereby authorized to enter into an agreement with Protect-A-Cote, Inc to provide for the public improvement specified herein through use of ARPA Funds for an amount not to exceed the amount specified within the accepted bid. The agreement shall consist of the standard Contract Provisions and General Conditions applicable to such public improvements, any other terms as recommended by the Mayor and Director of Law, and shall be approved as to form by the Director of Law.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to avoid additional costs that result from further delay and the need to obligate ARPA Funds within the year. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. 108-2024(PD)



TONY CUDA
President of Council



ADDIE BALESTER
Clerk of Council

PASSED: June 24, 2024

Presented to Mayor: 06/25/2024 Approved: 0/27/2024



KAHLIL SEREN
Mayor