

**ORDINANCE NO. 2015-52
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE
CITY OF LYNDHURST TO ENTER INTO A JOINT
CONSTRUCTION AGREEMENT WITH THE SOUTH
EUCLID-LYNDHURST CITY SCHOOL DISTRICT
PROVIDING FOR THE EXTENSION OF THE BRAINARD
PARK FITNESS TRAIL, AND DECLARING AN
EMERGENCY**

WHEREAS, the South Euclid-Lyndhurst City School District is currently undertaking the construction of improvements to the sidewalk at Sunview School; and

WHEREAS, the City would like to extend the Brainard Road Fitness Trail to connect with the sidewalk as part of said Project; and

WHEREAS, the South Euclid-Lyndhurst City School District has agreed to extend the Fitness Trail as part of its improvement project; and

WHEREAS, it is necessary to enter into a Joint Construction Agreement outlining the terms and conditions of said agreement. Now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST,
CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

SECTION 1. The Mayor be and he is hereby authorized to enter into a Joint Construction Agreement with the South Euclid-Lyndhurst City School District providing for the extension of the Brainard Park Fitness Trail.

SECTION 2. This authorization shall be contingent upon the agreement of South Euclid-Lyndhurst City School District to reimburse the City for its portion of the additional construction costs necessary to extend the Fitness Trail, based upon the engineer's estimate of the cost of the design, inspection and construction work.

SECTION 3. This Council hereby directs the Law Director of the City of Lyndhurst to include such other provisions in the Joint Construction Agreement as he determines are necessary and consistent with this Ordinance.

SECTION 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Lyndhurst and its residents for the reason that it is necessary to approve the aforesaid Agreement so the construction can be performed this construction season. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: July 6, 2015

MAYOR

VICE-MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Resolution by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on July 16, 2015 _____ and July 23, 2015 _____.

Clerk of Council

First Reading: _____ July 6, 2015 _____

Second Reading: _____ Suspended _____

Third Reading: _____ Suspended _____

Passed 7-6-2015