

**ORDINANCE NO. 2016-76**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH  
FP ALLEGA CONCRETE CONSTRUCTION FOR THE 2016  
SIDEWALK REPAIR PROGRAM, AUTHORIZING THE CLOSEOUT  
OF SAID CONTRACT, AND DECLARING AN EMERGENCY**

**WHEREAS**, the City has previously entered into a Contract with FP Allega Concrete Construction for the 2016 Sidewalk Repair Program; and

**WHEREAS**, FP Allega Concrete Construction has successfully completed the Contract; and

**WHEREAS**, it is necessary to enter into a Change Order as set forth herein due to needed additions to the Program or unforeseen circumstances associated with the Contract in order to initiate and complete the closeout procedure. Now, therefore,

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

**SECTION 1.** The Mayor be and he is hereby authorized to enter into a Change Order Contract with FP Allega Concrete Construction for the additional amount of Three Thousand Three Hundred Seventy-Seven Dollars and 40/100 (\$3,377.40), in addition to the Contract heretofore authorized by the Board of Control of this Council, as and for final reconciliation of contract quantities, all as more fully set forth in Change Order No. 1, dated September 16, 2016, which is fully incorporated herein. The City Engineer has approved the aforesaid Change Order.

**SECTION 2.** The Director of Finance be and is hereby authorized and directed to pay the amount provided for in Section 1 of this Ordinance upon passage hereof and execution of the Change Order authorized herein and completion of the work.

**SECTION 3.** This Council determines that the work included in the Contract with FP Allega Concrete Construction has been completed, and the Contract may be closed out, and the retainage released, pursuant to the application and certificate for final payment, the final Contract price, including additions and deletions, being One Hundred Ninety-Five Thousand Two Hundred Seventy-Four Dollars and 40/100 (\$195,274.40). This final payment amount has been approved by the City Engineer.

**SECTION 4.** The Mayor be and he is hereby authorized to execute all documents necessary to complete the closeout of this Contract in accordance with this Ordinance.

**SECTION 5.** 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 6.** 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 changes so as to not unnecessarily delay the completion of the aforesaid Project. 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:* \_\_\_\_\_

\_\_\_\_\_  
*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 Ordinance 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 \_\_\_\_\_ and \_\_\_\_\_.

\_\_\_\_\_  
*Clerk of Council*

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

Proposed

**ORDINANCE NO. 2016-77**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER  
NO. 1 WITH DON WARTKO CONSTRUCTION, INC.  
FOR THE 2016 SIDEWALK REPAIR PROGRAM-  
FARNHURST ROAD, AUTHORIZING THE CLOSEOUT  
OF SAID CONTRACT, AND DECLARING AN  
EMERGENCY**

**WHEREAS**, the City has previously entered into a Contract with Don Wartko Construction, Inc. for the 2016 Sidewalk Repair Program-Farnhurst Road; and

**WHEREAS**, Don Wartko Construction, Inc. has successfully completed the Contract; and

**WHEREAS**, it is necessary to enter into a Change Order as set forth herein due to needed additions to the Program or unforeseen circumstances associated with the Contract in order to initiate and complete the closeout procedure. 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 Change Order Contract with Don Wartko Construction, Inc. for the additional amount of Two Thousand Eighteen Dollars and 24/100 (\$2,018.24), in addition to the Contract heretofore authorized by the Board of Control of this Council, as and for final reconciliation of contract quantities, all as more fully set forth in Change Order No. 1, dated September 19, 2016, which is fully incorporated herein. The City Engineer has approved the aforesaid Change Order.

**SECTION 2.** The Director of Finance be and is hereby authorized and directed to pay the amount provided for in Section 1 of this Ordinance upon passage hereof and execution of the Change Order authorized herein and completion of the work.

**SECTION 3.** This Council determines that the work included in the Contract with Don Wartko Construction, Inc. has been completed, and the Contract may be closed out, and the retainage released, pursuant to the application and certificate for final payment, the final Contract price, including additions and deletions, being Nine Thousand One Hundred Fifty-One Dollars and 99/100 (\$9,151.99). This final payment amount has been approved by the City Engineer.

**SECTION 4.** The Mayor be and he is hereby authorized to execute all documents necessary to complete the closeout of this Contract in accordance with this Ordinance.

**SECTION 5.** 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 6.** 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 changes so as to not unnecessarily delay the completion of the aforesaid Project. 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:* \_\_\_\_\_

\_\_\_\_\_  
**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 Ordinance 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 \_\_\_\_\_ and \_\_\_\_\_.

\_\_\_\_\_  
*Clerk of Council*

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

Proposed

**RESOLUTION NO. 2016-78**  
**INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS CUYAHOGA COUNTY PERMANENT PARCEL NO. 711-03-020 TO BE A NUISANCE, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE WORK NECESSARY TO ABATE THE NUISANCE, AND DECLARING AN EMERGENCY**

**WHEREAS**, the City Building Commissioner has determined that the real property known as Cuyahoga County Permanent Parcel No. 711-03-020, and also known as 872 Richmond Road, Lyndhurst, Ohio, is in such disrepair that it constitutes a nuisance; and

**WHEREAS**, the City Building Commissioner has served a three (3) day notice, in accordance with Section 1355.09(b) of the Codified Ordinances, upon the owner, occupant, agent or operator to terminate the nuisance; and

**WHEREAS**, the owner, occupant, agent or operator has failed and neglected to comply with the notice to abate the nuisance; and

**WHEREAS**, Section 1355.09(c) of the Codified Ordinances provides authority to the Mayor or Building Commissioner to enter into a contract for the work necessary to abate the nuisance. Now, therefore,

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

**SECTION 1.** This Council determines the real property known as Cuyahoga County Auditor's Permanent Parcel No. 711-03-020, and also known as 872 Richmond Road, Lyndhurst, Ohio, is in such a state of disrepair that it is declared to be a nuisance.

**SECTION 2.** This Council determines that the Building Commissioner has served a three day notice upon the owner, occupant, agent, or operator to abate that nuisance, and said owner, occupant, agent, or operator has failed and neglected to comply with said notice.

**SECTION 3.** This Council hereby authorizes and directs the Mayor to enter into a contract for the work necessary to abate the nuisance.

**SECTION 4.** The cost of said work shall not exceed Fifteen Thousand Dollars (\$15,000.00) without further action by this Council.

**SECTION 5.** This Council further authorizes the Building Commissioner to invoice the owner of the premises for the costs of such nuisance abatement.

**SECTION 6.** This Council determines that if the costs of nuisance abatement are not paid within thirty (30) days of the date of the invoice, then the costs of nuisance abatement shall become a lien on the property, and shall be certified to the County Fiscal Officer and collected in the manner provided by law for assessments.

**SECTION 7.** 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 8.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City of Lyndhurst and its residents. 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: \_\_\_\_\_

\_\_\_\_\_  
**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 Ordinance 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 \_\_\_\_\_ and \_\_\_\_\_.

\_\_\_\_\_  
**Clerk of Council**

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

**RESOLUTION NO. 2016-79**  
**INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS CUYAHOGA COUNTY PERMANENT PARCEL NO. 714-03-056 TO BE A NUISANCE, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE WORK NECESSARY TO ABATE THE NUISANCE, AND DECLARING AN EMERGENCY**

**WHEREAS**, the City Building Commissioner has determined that the real property known as Cuyahoga County Permanent Parcel No. 714-03-056, and also known as 1548 Biltmore Road, Lyndhurst, Ohio, is in such disrepair that it constitutes a nuisance; and

**WHEREAS**, the City Building Commissioner has served a three (3) day notice, in accordance with Section 1355.09(b) of the Codified Ordinances, upon the owner, occupant, agent or operator to terminate the nuisance; and

**WHEREAS**, the owner, occupant, agent or operator has failed and neglected to comply with the notice to abate the nuisance; and

**WHEREAS**, Section 1355.09(c) of the Codified Ordinances provides authority to the Mayor or Building Commissioner to enter into a contract for the work necessary to abate the nuisance. Now, therefore,

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

**SECTION 1.** This Council determines the real property known as Cuyahoga County Permanent Parcel No. 714-03-056, and also known as 1548 Biltmore Road, Lyndhurst, Ohio, is in such a state of disrepair that it is declared to be a nuisance.

**SECTION 2.** This Council determines that the Building Commissioner has served a three day notice upon the owner, occupant, agent, or operator to abate that nuisance, and said owner, occupant, agent, or operator has failed and neglected to comply with said notice.

**SECTION 3.** This Council hereby authorizes and directs the Mayor to enter into a contract for the work necessary to abate the nuisance.

**SECTION 4.** The cost of said work shall not exceed Ten Thousand Dollars (\$10,000.00) without further action by this Council.

**SECTION 5.** This Council further authorizes the Building Commissioner to invoice the owner of the premises for the costs of such nuisance abatement.

**SECTION 6.** This Council determines that if the costs of nuisance abatement are not paid within thirty (30) days of the date of the invoice, then the costs of nuisance abatement shall become a lien on the property, and shall be certified to the County Fiscal Officer and collected in the manner provided by law for assessments.

**SECTION 7.** 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 8.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City of Lyndhurst and its residents. 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: \_\_\_\_\_

\_\_\_\_\_  
**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 Ordinance 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 \_\_\_\_\_ and \_\_\_\_\_.

\_\_\_\_\_  
**Clerk of Council**

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

**RESOLUTION NO. 2016-80**  
**INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS CUYAHOGA COUNTY PERMANENT PARCEL NO. 711-17-051 TO BE A NUISANCE, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE WORK NECESSARY TO ABATE THE NUISANCE, AND DECLARING AN EMERGENCY**

**WHEREAS**, the City Building Commissioner has determined that the real property known as Cuyahoga County Permanent Parcel No. 711-17-051, and also known as 1407 Cranover Road, Lyndhurst, Ohio, is in such disrepair that it constitutes a nuisance; and

**WHEREAS**, the City Building Commissioner has served a three (3) day notice, in accordance with Section 1355.09(b) of the Codified Ordinances, upon the owner, occupant, agent or operator to terminate the nuisance; and

**WHEREAS**, the owner, occupant, agent or operator has failed and neglected to comply with the notice to abate the nuisance; and

**WHEREAS**, Section 1355.09(c) of the Codified Ordinances provides authority to the Mayor or Building Commissioner to enter into a contract for the work necessary to abate the nuisance. Now, therefore,

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

**SECTION 1.** This Council determines the real property known as Cuyahoga County Permanent Parcel No. 711-17-051, and also known as 1407 Cranover Road, Lyndhurst, Ohio, is in such a state of disrepair that it is declared to be a nuisance.

**SECTION 2.** This Council determines that the Building Commissioner has served a three day notice upon the owner, occupant, agent, or operator to abate that nuisance, and said owner, occupant, agent, or operator has failed and neglected to comply with said notice.

**SECTION 3.** This Council hereby authorizes and directs the Mayor to enter into a contract for the work necessary to abate the nuisance.

**SECTION 4.** The cost of said work shall not exceed Three Thousand Five Hundred Dollars (\$3,500.00) without further action by this Council.

**SECTION 5.** This Council further authorizes the Building Commissioner to invoice the owner of the premises for the costs of such nuisance abatement.

**SECTION 6.** This Council determines that if the costs of nuisance abatement are not paid within thirty (30) days of the date of the invoice, then the costs of nuisance abatement shall become a lien on the property, and shall be certified to the County Fiscal Officer and collected in the manner provided by law for assessments.

**SECTION 7.** 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 8.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City of Lyndhurst and its residents. 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: \_\_\_\_\_

\_\_\_\_\_  
**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 Ordinance 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 \_\_\_\_\_ and \_\_\_\_\_.

\_\_\_\_\_  
**Clerk of Council**

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

**ORDINANCE NO. 2016-81**  
**INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING A CONTRACT WITH THE CUYAHOGA COUNTY GENERAL HEALTH DISTRICT FOR THE PUBLIC HEALTH SERVICES TO BE RENDERED DURING THE YEAR 2017, AUTHORIZING THE FISCAL OFFICER TO CREDIT THE CONSIDERATION PAYABLE UNDER SAID CONTRACT AND TO DEDUCT EQUIVALENT SUMS FROM TAX SETTLEMENTS DUE THE CITY OF LYNDHURST AND DECLARING AN EMERGENCY**

**WHEREAS**, the Cuyahoga County General Health District performs essential health services for all communities of Cuyahoga County, including the City of Lyndhurst, Ohio; and

**WHEREAS**, the cost of such services is paid by all participating subdivisions on a per capita basis, based on current population estimates. Now, therefore,

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

**SECTION 1.** The Mayor is hereby authorized and directed to enter into a contract for public health services with the Cuyahoga County General Health District for the calendar year 2017, a copy of said contract being attached hereto, marked Exhibit "A", and incorporated herein as if fully rewritten.

**SECTION 2.** The Fiscal Officer of Cuyahoga County is hereby directed to credit the District Health Fund of Cuyahoga County the sum of Fifty-Seven Thousand Six Hundred Eighty-Four Dollars (\$57,684.00) by deducting said amount from regular tax settlements to be made for the City of Lyndhurst during the year 2017 in two (2) semi-annual installments of Twenty-Eight Thousand Eight Hundred Forty-Two Dollars (\$28,842.00).

**SECTION 3.** The Clerk of Council is hereby authorized and directed to certify a copy of this Ordinance to the Cuyahoga County Fiscal Officer immediately upon its passage.

**SECTION 4.** This 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 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 authorize and implement this contract as soon as possible. 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:* \_\_\_\_\_

\_\_\_\_\_  
**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 Ordinance 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 \_\_\_\_\_ and \_\_\_\_\_.

\_\_\_\_\_  
***Clerk of Council***

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

Proposed