

ORDINANCE NO. 13-38  
INTRODUCED BY: Mr. Clark

**AN ORDINANCE**  
**AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER #1 (FINAL)**  
**FOR NORFOLK SOUTHERN RAILWAY CORP. FOR THE BRADLEY/NAIGLE**  
**INTERSECTION AND WIDENING IMPROVEMENTS PROJECT,**  
**AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City has two (2) agreements with Norfolk Southern Railway Corp. for the Bradley/Naigle Road Improvement Project in the total amount of \$293,954.00; and

**WHEREAS**, the agreement for Preliminary Engineering totaled \$18,500.00, as authorized by Ordinance No. 10-120 passed on November 1, 2010; and

**WHEREAS**, the agreement for the Grade Crossing and Warning Devices totaled \$275,454.00, as authorized by Ordinance No. 11-18 passed on March 21, 2011; and

**WHEREAS**, Change Order No. 1 (Final) has been submitted for approval by the City;

**NOW THEREFORE, BE IT ORDAINED** by Council of the City of Bay Village, Ohio:

**SECTION 1.** That the Mayor be and she is hereby authorized to execute Change Order No. 1 (Final) for Norfolk Southern Railway Corp., 1200 Peachtree Street NE, Atlanta, Georgia, 30309 for the preliminary engineering and grade crossing and warning devices for the Bradley/Naigle Intersection and Widening Improvements Project, deducting the amount of \$35,835.37 from the total of both contracts of said project and bringing the final total contract price to \$258,118.63. The Director of Finance is hereby authorized to pay the total contract price of Two Hundred Fifty Eight Thousand One Hundred Eighteen and 63/100 dollars (\$258,118.63) from the appropriation in the Bradley/Naigle Road Construction Fund (494.790.55210).

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to execute said Change Order, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: May 20, 2013

/s/ Michael A. Young  
VICE PRESIDENT OF COUNCIL

/s/ Joan T. Kemper  
CLERK OF COUNCIL

APPROVED: May 21, 2013

/s/ Gary Ebert  
ACTING MAYOR