

**AN ORDINANCE  
AUTHORIZING THE MAYOR TO ENTER INTO AN  
AGREEMENT WITH MARK HAYNES CONSTRUCTION,  
INC, FOR THE LOWER POND DAM AND STREAM  
RESTORATION PHASE 2 PROJECT, AND DECLARING AN  
EMERGENCY.**

WHEREAS, the Village solicited bids in accordance with Ohio law for the Lower Pond Dam and Stream Restoration Phase 2 Project; and

WHEREAS, bids were received on August 30, 2012; and

WHEREAS, the Village Engineer reviewed and evaluated the bids received; and

WHEREAS, based upon the recommendation of the Village Engineer, the Village hereby determines Mark Haynes Construction, Inc., to be the lowest and best bidder;

WHEREAS, there is a possibility that less than the full amount of work authorized by the contract may be performed and Council desires to authorize the Mayor to terminate the agreement for convenience after the work described by the base bid has been performed and completed.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That the Mayor be and is hereby authorized and directed to enter into an agreement with Mark Haynes Construction, Inc., Norwalk, Ohio, 44128, for the Lower Pond Dam and Stream Restoration Phase 2 project in an amount not to exceed four hundred fifty eight thousand four hundred thirty seven dollars (\$458,437.00.) in accordance with the specifications on file with the Village Engineer; provided, however that the Mayor may, in his discretion, determine not to proceed with any portion of the work that is determined by him not to be in the Village's best interest and may terminate the contract for convenience after the work covered by the base bid has been performed and completed.

SECTION 2. That sufficient funds are hereby appropriated to pay for the agreement authorized herein.

SECTION 3. That actions of this Council concerning and relating to the passage of this

**ORDINANCE NO.: 2012- 42**  
**INTRODUCED BY: MR. PATTON**

#2

legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 4. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

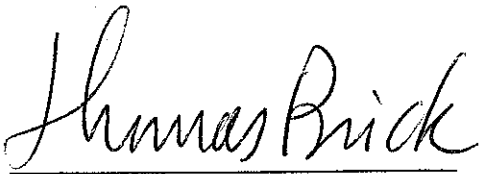
SECTION 5. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of this Village and for the further reason that this Ordinance must be immediately effective so that the necessary dam and stream restoration work may begin immediately; wherefore, provided it receives the requisite number of affirmative votes of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: September 10, 2012

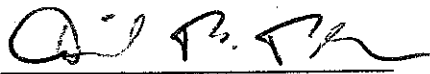
  
\_\_\_\_\_  
Council President

Submitted to the Mayor for  
his approval on this  
11 day of September, 2012

Approved by the Mayor  
September 11, 2012

  
\_\_\_\_\_  
Mayor

I hereby certify that Ordinance No. 2012- 42 was duly enacted on the 10 day of September, 2012, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

  
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Clerk of Council