

CITY OF OBERLIN, OHIO

ORDINANCE No. 14-39 AC CMS

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ERIE INSURANCE COMPANY FOR THE RELEASE OF ITS OBLIGATIONS AS BONDING AGENT FOR DCH LANDSCAPING, LLC RELATED TO THE COMPLETION OF DOWNTOWN SIDEWALK IMPROVEMENTS FOR THE CITY OF OBERLIN AND DECLARING AN EMERGENCY.

WHEREAS pursuant to Ordinance No 13-56 AC CMS, the City of Oberlin entered into an Agreement with DCH Landscaping, LLC ("DCH") to perform the Downtown Sidewalk Improvements Project ("the Contract"); and,

WHEREAS in connection with the Contract, Erie Insurance Company, ("Erie") as surety executed a Performance and Payment Bond ("the Bond") on behalf of DCH as principal and the City, as obligee; and,

WHEREAS DCH performed work pursuant to the Contract; and,

WHEREAS on March 3, 2014, DCH notified the City that it ceased its operations and would not return to complete any work remaining under the Contract; and,

WHEREAS the City of Oberlin made a claim against Erie upon the Bond; and,

WHEREAS the City of Oberlin and Erie have now agreed to resolve all actions and disputes that they may have against each other regarding the Contract and the Bond and Erie will issue to the City the sum of Fourteen Thousand, Thirty One and 69/100 Dollars (\$14,031.69) as partial payment for the costs of remedial work and for completion of the Contract by the City of Oberlin but subject to the release of its obligations under the Bond.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, not less than five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the City Manager is hereby authorized to enter into a Settlement Agreement and Release with Erie Insurance Company in the form attached hereto as Exhibit A on the condition that the City Manager shall have been authorized by Council to enter into an agreement for the completion of the work that is the subject of the Contract.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.


SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio or to provide for the usual daily operation of a municipal department, to wit: to release Erie Insurance Company from its obligations under the Bond so as to permit the City to Enter into a contract for the immediate completion of the Downtown Sidewalk Improvements and thereby ensure the public safety of the citizens of Oberlin and shall take effect immediately upon passage.

PASSED: 1st Reading: July 21, 2014 (E)
2nd Reading: _____
3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



H. SCOTT BROADWELL
PRESIDENT OF COUNCIL

POSTED: 07/21/2014

EFFECTIVE DATE: 07/22/2014

2014

Clerk of Council Office

ORIGINAL SIGNED COPY REQUEST FORM

Please provide an original signed copy of the item(s) checked below to the Oberlin City Clerk's office:

- 1. AGREEMENT
- 2. CONTRACT Contract
- 3. CHANGE ORDER
- 4. DEED
- 5. GRANTS
- 6. BACK-UP MATERIALS
- 7. OTHER

ORD. No.	DESCRIPTION	DEPARTMENT	DATE SENT/RCVD
14-39	DCH Landscaping Inc	Public Works	7/24
14-41	Recycling Containers	Public Works	7/24/14

BELINDA
14.39 was not executed
Since Council elected not to
re-install the synthetic pavers,
ultimately the release was authorized
and executed by Ord 15-14. *JA*

Belinda B. Anderson, MMC
Oberlin City Clerk

