**ORDINANCE NO. 19-2021**

**AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN AGREEMENT FOR EMERGENCY REPAIRS TO WOOSTER PIKE AND ADJACENT ROADWAYS, AND DECLARING EMERGENCY**

**WHEREAS,** Wooster Pike is a major thoroughfare in, and passing through, the Village of Fairfax, Ohio (the “Village”) that sustains a heavy volume of traffic each day; and

**WHEREAS,** a portion of Wooster Pike in the Village, adjacent to Spring Street, developed a sudden depression and sink hole activity threatening a collapse of the roadway, requiring immediate repair for the flow of heavy traffic in the Village, prevention of additional damage, and the health, safety, and general welfare of all persons utilizing the roadway; and

**WHEREAS,** such damage often occurs suddenly and without warning, and can be caused or made worse by passing traffic; and

 **WHEREAS,** thus far, such damage resulted in an area of 480 square feet needing immediate repair, including, but not limited to, removal of pavement, underground pipe repair, backfill, grading, and asphalt application; and

 **WHEREAS,** the Village Maintenance Department has undertaken measures to protect the public and the roadway, but the damage to the roadway is beyond the capacity of the Village Maintenance Department to repair; and

 **WHEREAS,** the Village Engineer advised that the roadway needs immediate repair to remedy a hazardous condition posing a real and present danger to drivers on the roadway; and

 **WHEREAS,** the extent and cost of the necessary repair is under immediate investigation; and

 **WHEREAS,** accordingly, the Village does not yet know the total cost of the repair, which could fall below the threshold required for competitive bidding, but which the Village reasonably anticipates could exceed such amount; and

 **WHEREAS,** in the time required to place the repair up for bid, there is a high likelihood that the condition of the roadway will worsen, and pose an additional threat to drivers; and

 **WHEREAS,** as a result of the foregoing findings, there is not sufficient time to place a contract for the reconstruction of applicable portions of Wooster Pike and Spring Street out for bid under the non-emergency procedures set forth in the Ohio Revised Code; and

 **WHEREAS,** R.C. 735.051 provides for the authorization of emergency work without the need for competitive bidding in the case of a real and present emergency; and

 **WHEREAS,** the conditions described above constitute a real and present emergency that must be repaired as soon as possible to alleviate the threat to the Village’s citizens, vehicles, and businesses, as well as those in and from surrounding communities;

 **NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Fairfax, State of Ohio, two-thirds of the members elected hereto concurring, that:

 **SECTION I**: The Village Administrator is hereby authorized to enter into an agreement for the repair and reconstruction of Wooster Pike and Spring Street necessary to remedy the emergency and dangerous conditions described above. Such work may be authorized by purchase order or other appropriate agreement. The amount of money the Village agrees to pay under the foregoing agreement shall not exceed seventy five thousand dollars ($75,000) without further approval of this Council.

 **SECTION II**: This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety, and general welfare and shall be effective immediately. The reason for said declaration of emergency is the immediate need to repair a portion of Wooster Pike, a major thoroughfare in the Village, and the adjacent Spring Street, posing a real and present danger to drivers in the Village.

Passed this 19th day of April, 2021.

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 Mayor

ATTEST:

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Fiscal Officer

# **CERTIFICATE**

I hereby certify this to be a true and correct copy of Ordinance No. 19-2021 adopted at a meeting of the Council of the Village of Fairfax, this 19th day of April, 2021.

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 Fiscal Officer