

RESOLUTION NO. 246-2025(MSES), *First Reading*

By Mayor Cuda

A resolution authorizing a change order to the Agreement with Fabrizi Trucking & Paving Co., Inc. as general contractor for the Yellowstone Sewer Separation and Water Main Water Replacement Project; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, Ordinance No. 140-2021, passed November 15, 2021, authorized the allocation, appropriation, and expenditure of ARPA funds for sewer infrastructure improvement projects described in the City's Integrated Overflow Control Master Plan ("IOCMP"); and

WHEREAS, in accordance with C.O. § 171.03, the Mayor submitted to this Council his request for authorization to proceed to bid the public improvement of the Yellowstone Sewer Separation and Water Main Replacement; (#24-05) to one general contractor, which this Council approved by motion on November 4, 2024; and

WHEREAS, the bids received in response to the invitation were opened on October 24, 2024, and Fabrizi Trucking & Paving Co., Inc. ("Contractor") was determined to be the lowest and best bidder and subsequently contracted with the City to provide the public improvements described therein ("Agreement"); and

WHEREAS, the discovery of existing utility lines and related complications during Contractor's performance necessitate a change order to that Agreement to provide for additional expenses associated with connecting additional storm and sanitary connections at various locations, installing a new sidewalk and signage, additional restoration, and other related work.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The Mayor is hereby authorized to execute a change order to the Agreement and any other related documents, instruments, or contracts for an amount of Thirty-Six Thousand Five Hundred Four Dollars and 75/100 (\$36,504.75) to provide for the labor, materials, and other services associated with the sanitary and storm connections, new sidewalk and signage, additional restoration, and other related work described herein.

SECTION 2. It is found and determined that all formal actions of the Council relating to the adoption of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 3. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one

RESOLUTION NO. 246-2025(MSES)

newspaper of general circulation in the City of Cleveland Heights, or by posting the full text of this Resolution to the City of Cleveland Heights website.

SECTION 4. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to complete the project in a timely manner. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take immediate effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.



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GAIL L. LARSON  
President of Council



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ADDIE BALESTER  
Clerk of Council

PASSED: December 1, 2025

Presented to Mayor: 12/03/2025 Approved: 12/03/2025



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TONY CUDÁ  
Mayor