



**O. THIRD READING OF RESOLUTIONS AND ORDINANCES:**

1. ORDINANCE NO. 10033-2016, AUTHORIZING A CHANGE ORDER FOR THE CONTRACT BETWEEN KONSTRUCTION KING, INC., AND THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne
  
2. RESOLUTION NO. 23-2016, DECLARING O'MALLEY'S BAR AND THE TRAVELODGE A NUISANCE AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne, Councilmen Salvatore, Burgio and Scott
  
3. ORDINANCE NO. 10034-2016, AMENDING SECTION 1121.15 (c) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'NONCOMFORMING USES'. Introduced by Mayor Coyne, Councilmen Salvatore, Burgio and Scott

CITY OF BROOK PARK, OHIO

B/C \_\_\_\_\_  
CA \_\_\_\_\_  
1st R 08-15-16Sp. Cou \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

ORDINANCE NO: 10033-2016

INTRODUCED BY: MAYOR COYNE, COUNCILMEN SALVATORE, BURGIO, SCOTT AND MENCINI

AN ORDINANCE  
AUTHORIZING A CHANGE ORDER FOR THE CONTRACT  
BETWEEN KONSTRUCTION KING, INC., AND  
THE CITY OF BROOK PARK,  
AND DECLARING AN EMERGENCY

WHEREAS, a contract between the City of Brook Park and Konstruction King, Inc., was executed on or about January 25, 2016; and

WHEREAS, the contract provides for the 2015 Sidewalk Repair Program, Contract 1502; and

WHEREAS, after this project was started we discovered that there is a serious pavement failure at the intersection of Holland Road and Sylvia Drive; and

WHEREAS, the City solicited proposals from four contractors, in which three separate proposals were received;

WHEREAS, the City found Konstruction King, Inc., to be the best proposal for the repair and reconstruction of the Holland Road and Sylvia Drive intersection;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: The Finance Director is hereby authorized to pay Konstruction King, Inc., for an increase to complete this project; a copy of the Project Change Order is attached hereto as Exhibit "A."

SECTION 2: The money needed for the aforesaid transaction shall not exceed \$96,613.00 and shall be paid from the capital fund for roads 401 and 425.

SECTION 3: It is found and determined that all formal actions of this Council concerning and 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 4:** This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to approve a change order for Konstruction King, Inc., for the Holland Road and Sylvia Drive intersection; therefore this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: \_\_\_\_\_

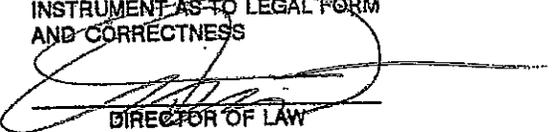
\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
Clerk of Council

APPROVED: \_\_\_\_\_  
MAYOR

I HEREBY APPROVE THE WITHIN  
INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS

\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
DIRECTOR OF LAW

## MEMO

TO: Mayor Coyne

FROM: Edward R. Piatak, P.E., Consulting City Engineer

DATE: July 15, 2016

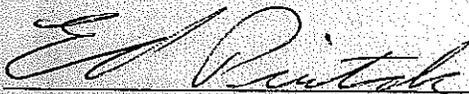
SUBJECT: Holland/Sylvia Emergency Pavement Repairs

CC: Lou Cayet, Service Director

Mayor Coyne:

A Memo dated June 30, 2016 (copy attached) was sent to your attention regarding the four bids that my Office received for the Emergency Pavement Repairs at the Holland/Sylvia Intersection. Since that time, it has come to my attention that the original quote included 8" reinforced concrete and existing road records indicate that the existing pavement is actually 9" thick. I requested a revised bid from Konstruction King that included a 9" concrete pavement section. The revised total is \$96,613.00, which is still considerably lower (\$32,501.75) than the next lowest bid of \$129,114.75 from Terrace Construction (at the 8" thickness). Sorry for any confusion that this may have caused.

Please advise me as to how you would like to proceed. Let me know if you have any questions or require additional information.



Edward R. Piatak, P.E.  
Consulting City Engineer

Encls.

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### OFFICERS

R. S. WASOSKY, PE, PS, CEO • A. R. PIATAK, PE, PRESIDENT • D. T. BENDER, PE, SECRETARY • J. L. NEVILLE, PE, TREASURER • E. R. PIATAK, PE, VICE PRESIDENT  
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HOLLAND/SYLVA INTERSECTION RECONSTRUCTION PROJECT

REVISED 6-8-2016

ITEM NO.	EST. QUAN.	DESCRIPTION	UNIT	CONTRACTOR'S BID			
				FOR LABOR ONLY	FOR MATERIAL ONLY	TOTAL LABOR & MATERIAL	TOTAL
				DOLLARS/CTS	DOLLARS/CTS	DOLLARS/CTS	DOLLARS/CTS
1	707	Pavement Removed	Sq. Yd.	11.00	<del>11.00</del>	11.00	7777.00
2	Lump	Excavation	Lump	2500.00	<del>2500.00</del>	2500.00	2500.00
3	67	Asphalt Surface Removed & Replaced	Sq. Yd.	20.00	30.00	50.00	3350.00
4	707	9" Reinforced MS Portland Cement Concrete Pavement	Sq. Yd.	32.00	33.00	65.00	45955.00
5	733	Subgrade Compaction	Sq. Yd.	1.00	<del>1.00</del>	1.00	733.00
6	118	Aggregate Base (ODOT Item 304)	Cu. Yd.	10.00	30.00	40.00	4720.00
7	200	Concrete Curb, Type 2A	Lin. Ft.	.50	.50	1.00	200.00
8	0	Concrete Curb, Type 6, As Per Plan	Lin. Ft.				
9	200	6" Shallow Pipe Underdrain w/Fabric Wrap	Lin. Ft.	5.00	2.00	7.00	1400.00
10	236	6" Reinforced Conc. Apron Removed & Replaced	Sq. Ft.	3.00	4.00	7.00	1652.00
11	300	Sidewalk & Sidewalk Ramp Removed & Replaced	Sq. Ft.	3.00	3.50	6.50	1950.00
12	2	Curb Ramps with Truncated Domes	Each	100.00	200.00	300.00	600.00
13	0	Catch Basin Removed & Replaced, Complete	Each				
14	2	Tree Removal	Each	50.00	<del>50.00</del>	50.00	100.00
15	2	2" Caliper Tree	Each	100.00	300.00	400.00	800.00
16	1,500	Miscellaneous Metal	Lbs.	.25	.25	.50	750.00
17	68	Seeding and Mulching	Sq. Yd.	1.00	1.00	2.00	136.00
18	1	Manhole Adjusted to Grade	Each	50.00	50.00	100.00	100.00
19	2	Monument Box / Valve Box Adjusted to Grade	Each	50.00	50.00	100.00	200.00
20	200	Additional Excavation	Cu. Yd.	5.00	<del>5.00</del>	5.00	1000.00
21	200	Additional Aggregate Base	Cu. Yd.	1.00	15.00	16.00	3200.00
22	100	Water for Dust Control	M. Gal.	1.00	1.00	2.00	200.00
23	500	Calcium Chloride for Dust Control	Lbs.	.10	.10	.20	100.00
24	XXX	Police Protection	XXX	XXX	XXX	XXX	\$5,000.00
25	Lump	Maintenance of Traffic	Lump	2000.00	1000.00	3000.00	3000.00
26	0	Project Sign	Each				
27	Lump	Construction Layout Stakes	Lump	100.00	40.00	140.00	140.00
28	Lump	Preconstruction Photography	Lump				
29	XXX	Treelawn Maintenance	XXX				\$2,500.00
30	XXX	Project Contingency	XXX	XXX	XXX	XXX	\$5,000.00
31	LUMP	Mobilization	LUMP	500.00	500.00	1000.00	1000.00
32	LUMP	Bid Bond, Performance and Payment Bond and Maintenance Bond	LUMP				
33	XXX	Soil Erosion and Sediment Control	XXX				\$2,500.00
34	LUMP	Storm Water Pollution Prevention Plan	LUMP				
35	0	Manufactured Water Quality Structure, Type 1	EACH				
36	3	Water Service Box Adjusted to Grade	EACH	25.00	25.00	50.00	150.00
Contractor's Bid =							
				\$ 96,613.00			

**MEMO**

TO: Mayor Coyne

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FROM: Edward R. Piatak, P.E., Consulting City Engineer

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DATE: June 30, 2016

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SUBJECT: Holland/Sylvia Emergency Pavement Repairs

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CC: Lou Cayet, Service Director

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Mayor Coyne:

Four (4) bids have been received by my Office for the Emergency Pavement Repairs at the Holland/Sylvia Intersection. The Contractors that submitted proposals and their respective estimated costs are as follows:

<u>Contractor</u>	<u>Bid</u>
Konstruktion King	\$92,371.00
Terrace Construction	\$129,114.75
Fabrizi Trucking and Paving	\$135,647.00
Tri Mor Corporation	\$149,697.00

Please advise me as how to proceed. Let me know if you have any questions or require additional information.

  
Edward R. Piatak, P.E.  
Consulting City Engineer

Encls.  
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HOLLAND/SYLVA INTERSECTION RECONSTRUCTION PROJECT

ITEM NO.	EST. QUAN.	DESCRIPTION	UNIT	CONTRATOR'S BID			
				FOR LABOR ONLY	FOR MATERIAL ONLY	TOTAL LABOR & MATERIAL	TOTAL
				DOLLARS/CTS	DOLLARS/CTS	DOLLARS/CTS	DOLLARS/CTS
1	707	Pavement Removed	Sq. Yd.	10.00		10.00	7070.00
2	Lump	Excavation	Lump	2500.00		2500.00	2500.00
3	67	Asphalt Surface Removed & Replaced	Sq. Yd.	20.00	30.00	50.00	3350.00
4	707	8" Reinforced MS Portland Cement Concrete Pavement	Sq. Yd.	30.00	30.00	60.00	42420.00
5	733	Subgrade Compaction	Sq. Yd.	1.00		1.00	733.00
6	118	Aggregate Base (ODOT Item 304)	Cu. Yd.	10.00	30.00	40.00	4720.00
7	200	Concrete Curb, Type 2A	Lin. Ft.	.50	.50	1.00	200.00
8	0	Concrete Curb, Type 6, As Per Plan	Lin. Ft.				
9	200	8" Shallow Pipe Underdrain w/Fabric Wrap	Lin. Ft.	5.00	3.00	7.00	1400.00
10	236	6" Reinforced Conc. Apron Removed & Replaced	Sq. Ft.	3.00	4.00	7.00	1652.00
11	300	Sidewalk & Sidewalk Ramp Removed & Replaced	Sq. Ft.	3.00	3.50	6.50	1950.00
12	2	Curb Ramps with Truncated Domes	Each	100.00	200.00	300.00	600.00
13	0	Catch Basin Removed & Replaced, Complete	Each				
14	2	Tree Removal	Each	50.00		50.00	100.00
15	2	2" Caliper Tree	Each	100.00	300.00	400.00	800.00
16	1,500	Miscellaneous Metal	Lbs.	.25	.25	.50	750.00
17	68	Seeding and Mulching	Sq. Yd.	1.00	1.00	2.00	136.00
18	1	Manhole Adjusted to Grade	Each	50.00	50.00	100.00	100.00
19	2	Manhole Box / Valve Box Adjusted to Grade	Each	50.00	50.00	100.00	200.00
20	200	Additional Excavation	Cu. Yd.	5.00		5.00	1000.00
21	200	Additional Aggregate Base	Cu. Yd.	1.00	15.00	16.00	3200.00
22	100	Water for Dust Control	M. Gal.	1.00	1.00	2.00	200.00
23	500	Calcium Chloride for Dust Control	Lbs.	.10	.10	.20	100.00
24	XXX	Police Protection	XXX	XXX	XXX	XXX	\$5,000.00
25	Lump	Maintenance of Traffic	Lump	2000.00	1000.00	3000.00	3000.00
26	0	Project Sign	Each				
27	Lump	Construction Layout Stakes	Lump	100.00	40.00	140.00	140.00
28	Lump	Preconstruction Photography	Lump				
29	XXX	Treelawn Maintenance	XXX				\$2,500.00
30	XXX	Project Contingency	XXX	XXX	XXX	XXX	\$5,000.00
31	LUMP	Mobilization	LUMP	500.00	500.00	1000.00	1000.00
32	LUMP	Bid Bond, Performance and Payment Bond and Maintenance Bond	LUMP				
33	XXX	Soil Erosion and Sediment Control	XXX				\$2,500.00
34	LUMP	Storm Water Pollution Prevention Plan	LUMP				
35	0	Manufactured Water Quality Structure, Type 1	EACH				
36	3	Water Service Box Adjusted to Grade	EACH	25.00	25.00	50.00	150.00
Contractor's Bid =							

\$ 92,371.00

Construction King

HOLLAND/SYLVA INTERSECTION RECONSTRUCTION PROJECT

TERRACE CONSTRUCTION COMPANY, INC.

ITEM NO.	EST. QUAN.	DESCRIPTION	UNIT	FOR LABOR ONLY		FOR MATERIAL ONLY		CONTRACTOR'S BID TOTAL LABOR & MATERIAL		TOTAL DOLLARS/CTS
				DOLLARS/CTS	DOLLARS/CTS	DOLLARS/CTS	DOLLARS/CTS	DOLLARS/CTS	DOLLARS/CTS	
1	707	Pavement Removed	Sq. Yd.	\$ 11.60	\$ -	\$ -	\$ 11.60	\$ -	\$ -	\$ 8,201.20
2	1	Excavation	Lump	\$ 7,600.00	\$ -	\$ -	\$ 7,600.00	\$ -	\$ -	\$ 7,600.00
3	67	Asphalt Surface Removed & Replaced	Sq. Yd.	\$ 13.98	\$ 6.27	\$ 6.27	\$ 20.25	\$ -	\$ -	\$ 1,356.75
4	707	8" Reinforced MS Portland Cement Concrete Pavement	Sq. Yd.	\$ 29.49	\$ 37.51	\$ 37.51	\$ 67.00	\$ -	\$ -	\$ 47,369.00
5	793	Subgrade Compaction	Sq. Yd.	\$ 0.50	\$ -	\$ -	\$ 0.50	\$ -	\$ -	\$ 366.50
6	118	Aggregate Base (ODOT Item 304)	Cu. Yd.	\$ 26.55	\$ 32.70	\$ 32.70	\$ 59.25	\$ -	\$ -	\$ 6,991.50
7	200	Concrete Curb, Type 2A	Lin. Ft.	\$ 1.47	\$ 1.23	\$ 1.23	\$ 2.70	\$ -	\$ -	\$ 540.00
8	0	Concrete Curb, Type 6, As Per Plan	Lin.-Ft							
9	200	6" Shallow Pipe Underdrain w/Fabric Wrap	Lin. Ft.	\$ 5.86	\$ 4.64	\$ 4.64	\$ 10.50	\$ -	\$ -	\$ 2,100.00
10	286	6" Reinforced Conc. Apron Removed & Replaced	Sq. Ft.	\$ 3.75	\$ 2.55	\$ 2.55	\$ 6.30	\$ -	\$ -	\$ 1,486.80
11	300	Sidewalk & Sidewalk Ramp Removed & Replaced	Sq. Ft.	\$ 4.95	\$ 2.35	\$ 2.35	\$ 7.30	\$ -	\$ -	\$ 2,190.00
12	2	Curb Ramps with Truncated Domes	Each	\$ 30.50	\$ 137.50	\$ 137.50	\$ 168.00	\$ -	\$ -	\$ 336.00
13	0	Setback Basin Removed & Replaced, Complete	Each	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
14	2	Tree Removal	Each	\$ 140.00	\$ -	\$ -	\$ 140.00	\$ -	\$ -	\$ 280.00
15	2	2" Caliper Tree	Each	\$ 310.00	\$ 350.00	\$ 350.00	\$ 660.00	\$ -	\$ -	\$ 1,320.00
16	1,500	Miscellaneous Metal	Lbs.	\$ 0.25	\$ 1.25	\$ 1.25	\$ 1.50	\$ -	\$ -	\$ 2,250.00
17	68	Seeding and Mulching	Sq. Yd.	\$ 12.75	\$ 1.25	\$ 1.25	\$ 14.00	\$ -	\$ -	\$ 952.00
18	1	Manhole Adjusted to Grade	Each	\$ 444.04	\$ 235.96	\$ 235.96	\$ 680.00	\$ -	\$ -	\$ 680.00
19	2	Monument Box / Valve Box Adjusted to Grade	Each	\$ 320.00	\$ -	\$ -	\$ 320.00	\$ -	\$ -	\$ 640.00
20	200	Additional Excavation	Cu. Yd.	\$ 54.00	\$ -	\$ -	\$ 54.00	\$ -	\$ -	\$ 10,800.00
21	200	Additional Aggregate Base	Cu. Yd.	\$ 19.30	\$ 32.70	\$ 32.70	\$ 52.00	\$ -	\$ -	\$ 10,400.00
22	100	Water for Dust Control	M. Gal.	\$ 0.40	\$ 2.00	\$ 2.00	\$ 2.40	\$ -	\$ -	\$ 240.00
23	500	Calcium Chloride for Dust Control	Lbs.	\$ 0.10	\$ 0.50	\$ 0.50	\$ 0.60	\$ -	\$ -	\$ 300.00
24	1	Police Protection	XXX							
25	1	Maintenance of Traffic	Lump	\$ 4,300.00	\$ -	\$ -	\$ 5,000.00	\$ -	\$ -	\$ 5,000.00
26	0	Project Sign	Each	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
27	1	Construction Layout Stakes	Lump	\$ 280.00	\$ -	\$ -	\$ 280.00	\$ -	\$ -	\$ 280.00
28	1	Construction Photography	Lump	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
29	1	Tree Lawn Maintenance	XXX							
30	1	Project Contingency	XXX							
31	1	Mobilization	LUMP	\$ 3,000.00	\$ -	\$ -	\$ 3,000.00	\$ -	\$ -	\$ 3,000.00
32	1	Bid Bond, Performance and Payment Bond and Maintenance Bond	LUMP	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
33	1	Soil Erosion and Sediment Control	XXX							
34	1	Storm Water Pollution Prevention Plan	LUMP	\$ -	\$ -	\$ -	\$ 2,500.00	\$ -	\$ -	\$ 2,500.00
35	0	Manufactured Water Quality Structure, Type-1	EACH	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
36	3	Water Service Box Adjusted to Grade	EACH	\$ 45.00	\$ -	\$ -	\$ 45.00	\$ -	\$ -	\$ 135.00
		Contractor's Bid = Terrace Construction Company, Inc.								\$ 129,114.75

HOLLAND/SYLVA INTERSECTION RECONSTRUCTION PROJECT

ITEM NO.	EST. QUAN.	DESCRIPTION	UNIT	CONTRATOR'S BID			
				FOR LABOR ONLY	FOR MATERIAL ONLY	TOTAL LABOR & MATERIAL	TOTAL
				DOLLARS/CTS	DOLLARS/CTS	DOLLARS/CTS	DOLLARS/CTS
1	707	Pavement Removed	Sq. Yd.	11.00	0.00	11.00	7,777.00
2	Lump	Excavation	Lump	7500.00	0.00	7500.00	7500.00
3	67	Asphalt Surface Removed & Replaced	Sq. Yd.	60.00	50.00	115.00	7,705.00
4	707	8" Reinforced MS Portland Cement Concrete Pavement	Sq. Yd.	29.00	39.00	68.00	48,076.00
5	733	Subgrade Compaction	Sq. Yd.	1.00	0.00	1.00	733.00
6	118	Aggregate Base (ODOT Item 304)	Cu. Yd.	13.00	35.00	48.00	5,424.00
7	200	Concrete Curb, Type 2A	Lin. Ft.	2.00	2.50	4.50	900.00
8	0	Concrete Curb, Type 6, As Per Plan	Lin. Ft.				
9	200	6" Shallow Pipe Underdrain w/Fabric Wrap	Lin. Ft.	5.00	5.00	10.00	2,000.00
10	236	6" Reinforced Conc. Apron Removed & Replaced	Sq. Ft.	4.00	2.50	7.00	1,652.00
11	300	Sidewalk & Sidewalk Ramp Removed & Replaced	Sq. Ft.	5.00	2.00	7.00	2,100.00
12	2	Curb Ramps with Truncated Domes	Each	600.00	650.00	1,250.00	2,500.00
13	0	Catch Basin Removed & Replaced, Complete	Each				
14	2	Tree Removal	Each	250.00	0.00	250.00	500.00
15	2	2" Caliper Tree	Each	400.00	350.00	750.00	1,500.00
16	1,500	Miscellaneous Metal	Lbs.	1.50	1.50	1.50	2,250.00
17	68	Seeding and Mulching	Sq. Yd.	7.00	3.00	10.00	680.00
18	1	Manhole Adjusted to Grade	Each	250.00	250.00	500.00	500.00
19	2	Monument Box / Valve Box Adjusted to Grade	Each	250.00	250.00	500.00	1,000.00
20	200	Additional Excavation	Cu. Yd.	8.00	0.00	8.00	1,600.00
21	200	Additional Aggregate Base	Cu. Yd.	9.00	25.00	30.00	6,000.00
22	100	Water for Dust Control	M. Gal.	1.00	9.00	10.00	1,000.00
23	500	Calcium Chloride for Dust Control	Lbs.	1.00	1.00	2.00	1,000.00
24	XXX	Police Protection	XXX	XXX	XXX	XXX	\$5,000.00
25	Lump	Maintenance of Traffic	Lump	12,500.00	2,500.00	15,000.00	15,000.00
26	0	Project Sign	Each				
27	Lump	Construction Layout Stakes	Lump	1,000.00	0.00	1,000.00	1,000.00
28	Lump	Preconstruction Photography	Lump				
29	XXX	Treelawn Maintenance	XXX				\$2,500.00
30	XXX	Project Contingency	XXX	XXX	XXX	XXX	\$5,000.00
31	LUMP	Mobilization	LUMP	1,500.00	0.00	1,500.00	1,500.00
32	LUMP	Bid Bond, Performance and Payment Bond and Maintenance Bond	LUMP				
33	XXX	Soil Erosion and Sediment Control	XXX				\$2,500.00
34	LUMP	Storm Water Pollution Prevention Plan	LUMP				
35	0	Manufactured Water Quality Structure, Type 1	EACH				
36	3	Water Service Box Adjusted to Grade	EACH	250.00	50.00	250.00	750.00
Contractor's Bid =							135,647.00

FABRIZI TRUCKING & PAVING CO.

HOLLAND/SYLVA INTERSECTION RECONSTRUCTION PROJECT

ITEM NO.	EST. QUAN.	DESCRIPTION	UNIT	CONTRACTOR'S BID			
				FOR LABOR ONLY	FOR MATERIAL ONLY	TOTAL LABOR & MATERIAL	TOTAL
				DOLLARS/CTS	DOLLARS/CTS	DOLLARS/CTS	DOLLARS/CTS
1	707	Pavement Removed	Sq. Yd.	15.00	0.00	15.00	10,605.00
2	Lump	Excavation	Lump	5,000.00	0.00	5,000.00	5,000.00
3	67	Asphalt Surface Removed & Replaced	Sq. Yd.	30.00	30.00	60.00	4,020.00
4	707	8" Reinforced MS Portland Cement Concrete Pavement	Sq. Yd.	41.00	41.00	82.00	57,974.00
6	733	Subgrade Compaction	Sq. Yd.	1.00	0.00	1.00	733.00
6	116	Aggregate Base (ODOT Item 304)	Cu. Yd.	20.00	40.00	60.00	7,080.00
7	200	Concrete Curb, Type 2A	Lin. Ft.	2.50	2.50	5.00	1,000.00
8	0	Concrete Curb, Type 6, As Per Plan	Lin. Ft.	-	-	-	-
9	200	6" Shallow Pipe Underdrain w/Fabric Wrap	Lin. Ft.	5.00	7.00	12.00	2,400.00
10	236	6" Reinforced Conc. Apron Removed & Replaced	Sq. Ft.	5.00	5.00	10.00	2,360.00
11	300	Sidewalk & Sidewalk Ramp Removed & Replaced	Sq. Ft.	4.00	4.00	8.00	2,400.00
12	2	Curb Ramps with Truncated Domes	Each	200.00	150.00	350.00	700.00
13	0	Catch-Basin Removed & Replaced, Complete	Each	-	-	-	-
14	2	Tree Removal	Each	250.00	0.00	250.00	500.00
15	2	2" Caliper Tree	Each	200.00	300.00	500.00	1,000.00
16	1,500	Miscellaneous Metal	Lbs.	0.00	1.00	1.00	1,500.00
17	68	Seeding and Mulching	Sq. Yd.	20.00	5.00	25.00	1,700.00
18	1	Manhole Adjusted to Grade	Each	250.00	250.00	500.00	500.00
19	2	Monument Box / Valve Box Adjusted to Grade	Each	250.00	250.00	500.00	1,000.00
20	200	Additional Excavation	Cu. Yd.	20.00	0.00	20.00	4,000.00
21	200	Additional Aggregate Base	Cu. Yd.	20.00	40.00	60.00	12,000.00
22	100	Water for Dust Control	M. Gal.	2.00	8.00	10.00	4,000.00
23	500	Calcium Chloride for Dust Control	Lbs.	0.00	0.25	0.25	125.00
24	XXX	Police Protection	XXX	XXX	XXX	XXX	\$5,000.00
25	Lump	Maintenance of Traffic	Lump	10,000.00	0.00	10,000.00	10,000.00
26	0	Project Sign	Each	-	-	-	-
27	Lump	Construction Layout Stakes	Lump	1,500.00	0.00	1,500.00	1,500.00
28	Lump	Preconstruction Photography	Lump	-	-	-	-
29	XXX	Treelawn Maintenance	XXX	-	-	-	\$2,500.00
30	XXX	Project Contingency	XXX	XXX	XXX	XXX	\$5,000.00
31	LUMP	Mobilization	LUMP	5,000.00	0.00	5,000.00	5,000.00
32	LUMP	Bid Bond, Performance and Payment Bond and Maintenance Bond	LUMP	-	-	-	-
33	XXX	Soil Erosion and Sediment Control	XXX	-	-	-	\$2,500.00
34	LUMP	Storm Water Pollution Prevention Plan	LUMP	-	-	-	-
35	0	Manufactured Water Quality Structure, Type 1	EACH	-	-	-	-
36	3	Water Service Box Adjusted to Grade	EACH	200.00	0.00	200.00	600.00
Contractor's Bid =						\$	149,697.00

**TRIMOR CORPORATION**

8530 North Boyle Parkway  
Twinsburg, Ohio 44087

CITY OF BROOK PARK, OHIO

P/C \_\_\_\_\_  
CA \_\_\_\_\_  
1st R 8-15-16Sp Cou  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

RESOLUTION NO. 23-2016

INTRODUCED BY: MAYOR COYNE, COUNCILMEN SALVATORE, BURGIO, SCOTT AND MENCINI

A RESOLUTION  
DECLARING O'MALLEY'S BAR AND THE TRAVELODGE A NUISANCE,  
AND DECLARING AN EMERGENCY

WHEREAS, the property located at 16161 Brookpark Road, Brook Park, Ohio is the business address for Travelodge and O'Malley's Bar; and

WHEREAS, in February 2016 a Brook Park Building Department inspection of these premises identified more than 126 building and housing code violations; and

WHEREAS, in February 2016 a Fire Department inspection of these premises identified had more than 168 fire code violations; and

WHEREAS, during the years 2014 and 2015 police were called out more than 600 times to these premises;

WHEREAS, the premises are poorly maintained, infested with bed bugs per the Cuyahoga County Board of Health, and used as an illegal parking lot in violation of Brook Park codified ordinances; and

WHEREAS, on February 10, 2016, the Cuyahoga County Sherriff's Office (CCSO) and the Cuyahoga County Prosecutor's Office (CCPO) secured and executed a search warrant for these premises with evidence of drug abuse, drug trafficking, heroin overdoses, prostitution, human trafficking and other criminal conduct on the premises. As a result of the search warrant's execution and the aforementioned inspections by the Brook Park Building & Housing Department, the Brook Park Fire Department and the Cuyahoga County Board of Health, the CCPO filed a nuisance complaint and request for a temporary and permanent injunction to close the premises as a public nuisance. The Court of Common Pleas granted the CCPO request and issued a

**WHEREAS**, on May 27, 2016, the owners of the premises and operators of the Travel Lodge and O'Malley's Bar voluntarily consented to an injunction closing the premises and businesses located thereon as a result of the public nuisance created and caused by the unlawful conduct of these businesses on these premises;

**WHEREAS**, this vacant property poses a threat to the general public; and

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Brook Park, State of Ohio that:

**SECTION 1:** All the Members of Council along with the Mayor of the City of Brook Park, Ohio hereby declare the Travelodge/O'Malley's at 16161 Brookpark Road a public nuisance.

**SECTION 2:** The Clerk of Council is hereby authorized and instructed to forward a certified copy of this Resolution to the Anju Bansal, 38530 Flanders Drive, Solon, OH 44139-000; Detailed Management Services, Inc., c/o Agent Anju Bansal, 38530 Flanders Drive, Solon, OH 44139-000; 16161 Brook Park, OH 44142; Michael O'Malley, 19497 Puritas Avenue, Cleveland, OH 44135-0000; O'Malley's Restaurant & Lounge, Inc., c/o Jon Fitzpatrick, 23 N. Franklin Street, Chagrin Falls, OH 44022-0000.

**SECTION 3:** It is found and determined that all formal actions of this Council concerning and relating to this Resolution 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 actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 4:** This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City and to request declare the Travelodge and O'Malley's a nuisance; provided that this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

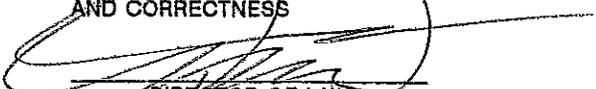
\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

APPROVED: \_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE

I HEREBY APPROVE THE WITHIN  
INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS

  
\_\_\_\_\_  
DIRECTOR OF LAW

P/C \_\_\_\_\_  
CA \_\_\_\_\_  
1st R 8/15/16 Sp. Cou  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10024-2016

INTRODUCED BY: MAYOR COYNE, COUNCILMEN SALVATORE, BURGIO, SCOTT AND MENCINI

AN ORDINANCE  
AMENDING SECTION 1121.15(c)  
OF THE BROOK PARK CODIFIED ORDINANCES,  
ENTITLED 'NONCONFORMING USES.'

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: Section 1121.15(c) of the Brook Park Codified Ordinances, passed by Ordinance No. 8397-1997, passed January 27, 1998, and reading as follows:

**1121.15(c)**

A nonconforming use shall be considered abandoned when the intent of the owner to discontinue the use is apparent, when it has been replaced by a conforming use or when the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within six months. Whenever the nonconforming use of a building, structure or premises has been changed to a more restricted use, the use of such building or premises may not thereafter be changed back to the previous nonconforming use.

is hereby to read:

**1121.15(c)**

A nonconforming use shall be considered abandoned when the intent of the owner to discontinue the use for at least six months is apparent, when the use has been replaced by a conforming use or when the characteristic equipment and furnishings of the nonconforming use of a building structure or premises has been changed to a more restricted use, the use of such building or premises may not thereafter be changed back to the previous nonconforming use.

**SECTION 2:** Former Section 1121.15(c) of the Brook Park Codified Ordinances, as enacted by Ordinance No. 8397-1997, passed January 27, 1998, is hereby expressly repealed.

**SECTION 3:** It is found and determined that all formal actions of this Council concerning and 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 4:** This Ordinance shall take effect thirty (30) days after its approval by the Mayor or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor as the case may be.

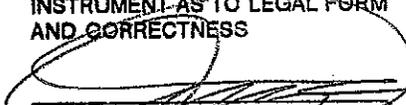
PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
Clerk of Council

APPROVED: \_\_\_\_\_  
MAYOR

I HEREBY APPROVE THE WITHIN  
INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS

  
\_\_\_\_\_  
DIRECTOR OF LAW

\_\_\_\_\_  
DATE

**REFERENCE MATERIAL**  
CITY OF BROOK PARK, OHIO

P/C \_\_\_\_\_  
CA 12/23/97  
1st R Sp Cou 12/23/97  
2nd R 1/6/98  
3rd R Sp Cou 1/27/98  
B/C \_\_\_\_\_

ORDINANCE NO: 8397-1997

INTRODUCED BY: MAYOR COYNE & C/W

**AN ORDINANCE  
AMENDING SECTION 1121.15 OF THE  
BROOK PARK CODIFIED ORDINANCES  
ENTITLED "NONCONFORMING USES"**

**WHEREAS**, the City Council has today enacted Ordinance No. 8394-1997, enacting Section 1121.40 of the Brook Park Codified Ordinances ("Section 1121.40"), entitled U-7 Brookpark Road Corridor Special District and U-7AE Adult Entertainment Sub-district;

**WHEREAS**, the enactment of Section 1121.40 creates a new zoning district in the City of Brook Park; and

**WHEREAS**, the enactment of Section 1121.40 is a first step in the implementation of a comprehensive redevelopment strategy for the Brookpark Road corridor; and

**WHEREAS**, the City Council finds that regulating valid nonconforming uses more closely will further the redevelopment of the Brookpark Road corridor and facilitate beneficial land use and development in the City as a whole; and

**WHEREAS**, the City Council finds that such regulation will promote the safety and general welfare of the citizens of Brook Park;

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Brook Park, State of Ohio, that:

**SECTION 1:** Section 1121.15 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 1735-1957, passed December 3, 1957, and reading as follows:

**1121.15 NONCONFORMING USES.**

(a) Any lawful use of building and/or premises existing at the time of the enactment of this Zoning Ordinance (Ord. 1735-1957, passed December 3, 1957) and not prohibited by ordinance, may be continued even though such use does not conform with the provisions of this Zoning Ordinance for the district in which it is located. A building arranged, designed or devoted to a nonconforming use at the time of the passage of this Zoning Ordinance (Ord. 1735-1957,

passed December 3, 1957) may not be reconstructed, extended or structurally altered to an extent exceeding in aggregate cost, during any ten-year period, sixty percent of the assessed value of the building, unless the use of such building is changed to a conforming use.

(b) A nonconforming use shall not be replaced by another of a different kind, character or use.

(c) A nonconforming use shall be considered abandoned when the intent of the owner to discontinue the use is apparent, when it has been replaced by a conforming use or when the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within two years. Whenever the nonconforming use of a building or premises has been changed to a more restricted use, the use of such building or premises may not hereafter be changed back to the previous nonconforming use.

(d) Nothing in this Zoning Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by the proper authority.

(e) A nonconforming building or use, which is destroyed or removed by more than seventy-five percent, by whatever cause, shall not be restored or replaced, except by a conforming building or use.

is hereby amended to read:

#### **1121.15 NONCONFORMING USES.**

(a) Any lawful use of a building, structure, and/or premises existing at the time of the enactment of this Zoning Ordinance (Ord. 1735-1957, passed December 3, 1957) or any amendment thereto may be continued even though such use does not conform with the provisions of this Zoning Ordinance for the district in which it is located. A building or structure arranged, designed or devoted to a nonconforming use at the time of the passage of this Zoning Ordinance (Ord. 1735-1957, passed December 3, 1957) or any amendment thereto may not be extended or substantially altered without a special permit from the Board of Zoning and Building Appeals unless the use of such building or structure is changed to a conforming use. Such special permit may be issued only if the Board finds after public hearing that the proposed extension or alteration is no more harmful or objectionable than the previous nonconforming use, and only if the estimated cost of the proposed extension or alteration does not exceed 25% of the assessed value of the building or structure.

(b) A nonconforming use shall not be replaced by another nonconforming use of a different kind, character, or use.

(c) A nonconforming use shall be considered abandoned when the intent of the owner to discontinue the use is apparent, when it has been replaced by a conforming use, or when the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within six months. Whenever the

nonconforming use of a building, structure, or premises has been changed to a more restricted use, the use of such building or premises may not thereafter be changed back to the previous nonconforming use.

(d) A nonconforming building, structure, or use which is damaged, destroyed, or removed by more than fifty percent of its replacement value, by whatever cause, shall not be reconstructed, restored, or replaced, except by a conforming building, structure, or use.

(e) A nonconforming use may be nonconforming either by virtue of characteristics of the physical structure that fail to comply with applicable legal standards, or due to a use of the structure that fails to comply with applicable land use restrictions.

**SECTION 2:** Section 1121.15 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 1735-1957, passed December 3, 1957, is hereby expressly repealed.

**SECTION 3.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

**SECTION 4.** All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Brook Park Codified Ordinances that conflict with this Ordinance are hereby repealed.

**SECTION 5:** It is found and determined that all formal actions of this Council concerning and 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 6:** This ordinance shall take effect and be in force on the Closing Date of the Settlement Agreement between the Cities of Brook Park and Cleveland that was approved by the Brook Park City Council on May 21, 1997, by Ordinance No. 8323-1997, and by the Cleveland City Council on June 16, 1997, by Ordinance No. 203-97, as the term "Closing Date" is defined in the Settlement Agreement.

PASSED January 27, 1998

Dennis P. Patten  
PRESIDENT OF COUNCIL PRO-TEM

ATTEST: Roseann Armstrong  
CLERK OF COUNCIL

APPROVED: [Signature]  
MAYOR

I, Roseann Armstrong, Clerk of Council, of The City of Brook Park, Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by ordinance 4838-1975, passed on August 12, 1975, to location City Hall, 6161 Engle Road Police Station, 17401 Holland Road, #1 Fire Station, 5590 Smith Road, #2 Fire Station, 22530 Ruple Road, #3 Fire Station, 17401 Holland Road, Brook Park Library, 6155 Engle Road, for a period of fifteen days.

2/2/98  
DATE

Roseann Armstrong, Clerk of Council, of The City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 8397-1997 passed on the 27th day of January 1998 by said council.

commencing February 4, 1998  
Roseann Armstrong  
ROSEANN ARMSTRONG

Roseann Armstrong  
ROSEANN ARMSTRONG