

CITY OF ENGLEWOOD
IN
MONTGOMERY COUNTY, OHIO

RESOLUTION: 01-23

PASSED: January 24, 2023

A RESOLUTION: ESTABLISHING A GEOGRAPHIC AREA, DECLARING THE NECESSITY OF CONSTRUCTING OR REPAIRING SIDEWALKS, CURBS AND DRIVEWAY APPROACHES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH COATE CONSTRUCTION, APPROVING THE 2023 SIDEWALK, CURB, AND DRIVE APPROACH REPLACEMENT PROGRAM

WHEREAS, the City has a documented, established policy for requiring property owners to properly maintain sidewalks, curbing, and drive approaches on or abutting their properties, the application of said policy occurring by way of a "Sidewalk Program"; and

WHEREAS, the City's policy of requiring property owner responsibility for sidewalk, curbing, and drive approach maintenance comports with State law;

WHEREAS, the city will inspect sidewalks, curbing, and drive approaches in said geographic areas, to determine deficiencies as well as notified property owners of same; and

WHEREAS, the City can reasonably anticipate that not all sidewalks, curbing, and drive approaches identified as defective will be privately repaired; and

WHEREAS, defective sidewalks, curbing, and drive approaches may pose a danger to the public welfare and may negatively impact property values;

WHEREAS, Englewood has pursued a citywide sidewalk, curbing and driveway apron maintenance program, has duly passed authorizing legislation for such program year after year, and has supplied affected property owners with notification of responsibilities and options pursuant to inspections of their property; and

WHEREAS, bids from contractors for work identified by the year 2003 sidewalk, curbing and driveway apron maintenance program were solicited by advertisement in a newspaper of general circulation and by other means, and were opened and read aloud on June 30, 2003; and

WHEREAS, the contract authorized by Council resolution 26-03 was lowest of the six responsive bids received for the year 2003 sidewalk, curbing and driveway apron maintenance program; and

WHEREAS, the contractor awarded a contract for year 2003 sidewalk program repairs agreed to hold the same price for years 2004 through 2022 and now again for year 2023, in accordance with provisions of Section 232.10(m), Purchasing Contract Renewals, of the Englewood Codified Ordinances;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ENGLEWOOD, COUNTY OF MONTGOMERY, STATE OF OHIO, AS FOLLOWS:

SECTION I That the geographic area for the 2023 Sidewalk Program be that area of the City of Englewood lying North of W. Wenger Road and south of Overla Boulevard, the same as the designated garage sale area.

SECTION II That inspection of Sidewalk Program defects be herewith authorized to be accomplished by city staff charged with identifying and marking for replacement those sidewalk, curb, and drive approach items within the public right-of-way deemed not to meet the standard of serviceable condition.

SECTION III That it is necessary to construct and/or repair certain sidewalks, curbing, and drive approaches in this geographic area.

SECTION IV That property owners abutting areas designated for repair have been afforded proper specifications for the work required and will have been provided with sufficient time to effect repairs.

SECTION V That the City Manager, or his designee, be authorized to continue the 2003 contract with Coate Construction to perform identified sidewalk, curbing, and drive approach repairs, for the ultimate purposes, as soon as possible, of the City effecting such repairs on those properties for which private action will not have been taken in the time provided by official notification, and to assess the costs for same upon abutting properties.

SECTION VI That the City Manager be hereby authorized to enter into a contract with Coate Construction Company, at a cost for work specified not to exceed Two-HUNDRED THOUSAND DOLLARS (\$200,000), to construct sidewalk, curbing and driveway apron repairs pursuant to the approved maintenance program for same established by Englewood.

SECTION VII That any additional work related to like items of construction be limited to the unit prices supporting the lowest qualified bid submitted by Coate Construction Company, Inc.

SECTION VIII It is hereby found and determined that all formal actions of this council concerning and relating to the passage of this resolution were taken in open meetings of this council, and that all deliberations of this council, and of any committees, that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements.

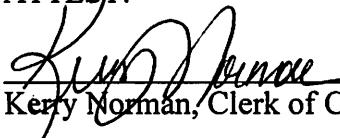
SECTION IX That this resolution shall be in full force and effect at the earliest date allowed by law.

PASSED this 24th day of January 2023.



Thomas Franz, Mayor

ATTEST:



Kerry Norman, Clerk of Council

C E R T I F I C A T E

I, **Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio**, do hereby certify the foregoing is a true and correct copy from the *Record of Proceedings* of said City. **WITNESS** my signature this 24th day of January, 2023.



Kerry Norman, Clerk of Council

CERTIFICATE OF POSTING

I, **Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio**, do hereby certify publication of the foregoing **RESOLUTION** was made as designated by Sections 224.01 and 24.02 of the Englewood Code.



Kerry Norman, Clerk of Council