

ORDINANCE RECORD**VILLAGE OF NEWBURGH HEIGHTS, OHIO****ORDINANCE NO. 2022-19**

INTRODUCED BY: Mayor Trevor Elkins

AN ORDINANCE AUTHORIZING THE VILLAGE TO RECEIVE SURETY BOND PROCEEDS FROM AUTO-OWNERS MUTUAL INSURANCE COMPANY INTO THE GENERAL FUND AND TO RELEASE SAID FUNDS TO THE OWNER OF 3880 WASHINGTON PARK BOULEVARD UPON THE SATISFACTION OF CERTAIN TERMS AND CONDITIONS SET FORTH HEREIN, AND DECLARING AN EMERGENCY.

WHEREAS, the owner of 3880 Washington Park Boulevard (the "Property") is Mr. Reid Gadziala ("Mr. Gadziala");

WHEREAS, Mr. Gadziala hired Carters Clear Pat Solutions, LLC as General Contractor (the "GC") to perform work at the Property (the "Project");

WHEREAS, in compliance with Codified Ordinance Section 1349.06, GC presented to the Village Building Department a surety bond in the form of a License and Permit Bond in the amount of \$10,000.00 issued by Auto-Owners Mutual Insurance Company;

WHEREAS, the GC failed to perform work on the Property as promised and abandoned the Project;

WHEREAS, a claim was submitted by Mr. Gadziala to Auto-Owners Mutual Insurance Company for release of the proceeds under the surety bond based upon GC's failure to perform and abandonment of the Project (the "Claim");

WHEREAS, Auto-Owners Mutual Insurance Company has issued a check to the Village of Newburgh Heights in payment of the Claim under the surety bond in the amount of \$10,000.00; and

WHEREAS, the Village wishes to receive said amounts from Auto-Owners Mutual Insurance Company and to remit the same to Mr. Gadziala as the injured party, upon submission of valid proof of said amounts being expended on the Project;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE VILLAGE OF NEWBURGH HEIGHTS, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Village Council hereby authorizes the receipt of \$10,000.00 from Auto-Owners Mutual Insurance Company paid under a Claim on a surety bond issued on behalf of Carters Clear

Pat Solutions, LLC as General Contractor (the "GC"). Said amount shall be deposited in the Village's General Fund in compliance with Codified Ordinance Section 1349.06.

Section 2. Village Council hereby ratifies any actions taken by Mr. Gadziala in connection with submission of the Claim to Auto-Owners Mutual Insurance Company.

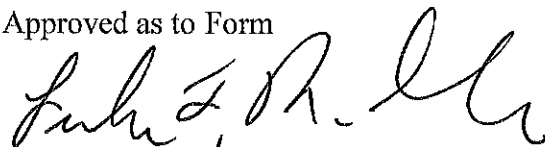
Section 3. Village Council declares that it will hold such funds received under the surety bond in the amount of \$10,000.00 for the benefit of Mr. Reid Gadziala, the owner of the real property at 3880 Washington Park Boulevard (the "Property"), and the Fiscal Officer shall release said funds to Mr. Gadziala upon itemized proof, reasonably satisfactory to the Building Commissioner and the Fiscal Officer, that said funds either will be expended to complete the Project or are in reimbursement of said funds having been expended on the Project.

Section 4. That 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 that resulted in such formal action occurred in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

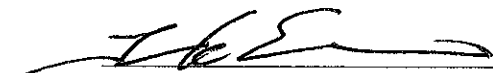
Section 5: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of public peace, health and safety of the inhabitants of the Village of Newburgh Heights, such emergency being the need to promptly receive and disburse surety amounts for completion of the construction project at 3880 Washington Park Boulevard; wherefore, provided it receives the affirmative vote of four (4) or more of the members elected or appointed to this Council, this Ordinance shall take 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.

PASSED: March 1, 2022

Approved as to Form



Solicitor



Trevor Elkins, Mayor
Village of Newburgh Heights, Ohio



Cathleen Nagorski, Fiscal Officer
Village of Newburgh Heights, Ohio

1ST Reading: 3/1/2022
2ND Reading: 3/1/2022
3RD Reading: 3/1/2022