

## OHIO TURNPIKE COMMISSION

Resolution Authorizing the Executive Director to Contract  
For the Performance of Construction at Milepost 57.8  
in Lucas County, Ohio

WHEREAS this Commission heretofore on June 14, 1973 granted a permit to the Board of County Commissioners of Lucas County, Ohio pursuant to the "Rules and Regulations for the Installation, Construction, Repair, Renewal, Relocation and Removal of Facilities of Public Utilities, Both Publicly and Privately Owned, and of Carriers By Pipe Line, Both Common and Private" adopted by the Commission on January 6, 1953, authorizing said Board to construct a 78-inch sanitary sewer under the Turnpike at Milepost 57.8 in Lucas County, Ohio upon the terms and conditions, and subject to the provisions and agreements set forth in the aforesaid Rules and Regulations, and in said permit, and in the resolution adopted by the Board of County Commissioners requesting the issuance of said permit;

WHEREAS the effort of said Board of County Commissioners of Lucas County to perform said work through its contractor for the construction of the sewer line of which said work is to comprise a part was unsuccessful and the completion of said work within the Turnpike right of way by said contractor has been nonperformed by said Board of County Commissioners;

WHEREAS the work heretofore undertaken and attempted as aforesaid has caused instability of the soil in the area, collapse of such soil within the median and some subsidence of the westbound roadways of the Turnpike, and extensive efforts by the Board of County Commissioners of Lucas County, with the cooperation of the Commission, to determine the nature and extent of the instability thus created and to correct the same have been unavailing;

WHEREAS the Commission is advised by its consulting engineer, chief engineer and executive director that with the onset of unfavorable and severe weather, which is imminent, an intolerable peril to the Turnpike roadways, and intolerable danger and hazard to the travelling public using said roadways will result from said condition of instability if said condition be not corrected forthwith as only by such immediate action can correction be expected to be accomplished soon enough to avoid the aforesaid intolerable perils and hazards and to avoid the corrective actions themselves being hampered and jeopardized by weather conditions already imminent;

WHEREAS the Board of County Commissioners of Lucas County has also by resolution adopted October 1, 1973 declared that an emergency exists with respect to the aforesaid conditions;

WHEREAS the Board of County Commissioners of Lucas County has by the same resolution unanimously recognized the financial responsibility of said Board for the construction of its said sewer line within the Turnpike right of way, including the protective action necessary to protect said right of way, and has authorized the Commission to proceed with such construction according to the plans of said Board approved on behalf of the Commission and agreed to reimburse the Commission for the expenses thereof;

WHEREAS the Commission has received an offer from The Peirce Construction Company of Holiand, Ohio to perform said work on a time and material basis and said offer is the best which has been obtainable from any of three contractors who have addressed themselves to the proposed construction, both monetarily and in terms of the extent of time required to perform the work; and

WHEREAS the Commission has been advised by its general counsel that it may legally enter into a contract for the aforesaid work without competitive bidding under the circumstances hereof;

NOW, THEREFORE, BE IT

RESOLVED that the Commission determines and hereby declares that an emergency relating to the stability of the Turnpike and the safety of the travelling public exists requiring the performance of the work necessary to complete the construction of the Lucas County 78-inch sanitary sewer within the Turnpike right of way forthwith without the delays inherent in competitive bidding because of the imminence of weather which would preclude the timely construction necessary to avoid such perils;

FURTHER RESOLVED that the executive director be, and hereby he is, authorized to contract with The Peirce Construction Company of Holland, Ohio for the said construction upon a time and material basis at a cost estimated to be approximately \$350,000.00, in accordance with the plans of the Board of County Commissioners of Lucas County, Ohio, heretofore approved on behalf of the Commission with such changes, if any, as may be agreed to by the executive director and Board of County Commissioners of Lucas County; and

FURTHER RESOLVED that said contract may include such other provisions as the executive director and general counsel shall deem necessary or appropriate to accomplish the end in view, and that the executive director is instructed to seek prompt reimbursement of all expenses incurred in the construction.

(Resolution No. 18 -1973 adopted October 2, 1973)

Copies hereof distributed 10-11-73 to:

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