

# RECORD OF RESOLUTIONS

Resolution No. 26-2023

Passed: June 27, 2023

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION MANAGER AT RISK AGREEMENT WITH WOODARD DEVELOPMENT LLC FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AS PART OF THE RIVER DISTRICT DEVELOPMENT PROJECT.**

**Whereas**, the City of West Carrollton, Ohio (the "City") is engaged in a redevelopment effort of the I75-Exit 47/Dixie Drive Corridor as a part of a larger project know as River District Development Project; and

**Whereas**, under the terms of the proposed agreement, Woodard Development LLC (the "Construction Manager") will manage the River District Phase 1 design, engineering and construction effort for infrastructure enhancements necessary to support the River District Development Project ("Phase 1 Infrastructure"); and

**Whereas**, the Construction Manager will provide the construction management services for a fee of 5.00% of the construction labor and material costs and the overhead costs of the Construction Manager; and

**Whereas**, the City has previously issued bond anticipation notes in an amount sufficient to provide \$2,500,000 in funding for costs of the Phase 1 Infrastructure; and

**Whereas**, under the proposed agreement, the City's maximum financial commitment for the costs Phase 1 Infrastructure design, engineering, construction and construction management fees will be the lesser of \$2,500,000 or the total cost of the Phase 1 Infrastructure as set forth in the approved project budget; and

**Whereas**, any Phase 1 Infrastructure costs that exceed the approved budget will be borne by the Construction Manager and the City will be held harmless for any shortfall of funds in excess of \$2,500,000.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WEST CARROLLTON, OHIO, THAT:

**Section 1:** The City Manager is hereby authorized to execute a Construction Manager-at-Risk Agreement with the Construction Manager, in substantially the form attached to and made part of this resolution, with changes or amendments thereto not inconsistent with this resolution and not substantially adverse to the City as determined by the Law Director of the City and which are approved by the City Manager.

**Section 2:** The City Manager is further authorized to do all things necessary to comply with the terms and conditions of said agreement.

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**Section 3:** It is found and determined that all formal actions of the City Council relating to the adoption of this resolution were 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 including Section 121 of the Ohio Revised Code.

**Section 4:** This resolution shall be in full force and effect from and after its date of passage.

Passed: June 27, 2023

  
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Mayor

Attest: Tracy Moore  
Clerk of Council

Effective Date: June 27, 2023