

RESOLUTION NO. 035-21R

A RESOLUTION DECLARING THE NECESSITY FOR THE CITY TO PROCEED WITH THE PROPOSED CEDAR POINT CAUSEWAY WETLAND PROJECT - PHASE 1, PROJECT 1, AND RELATING TO THE SANDUSKY BAY INITIATIVE; APPROVING THE SPECIFICATIONS AND ENGINEER'S ESTIMATE OF COST THEREOF; AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR AND RECEIVE BIDS IN RELATION THERETO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City previously accepted grant funds from the Ohio Environmental Protection Agency through the Ohio Department of Natural Resources (ODNR) in the amount of \$1,000,000.00 by Ordinance No. 16-231, passed on December 27, 2016, in the amount of \$240,000.00 by Ordinance No. 17-079, passed on April 10, 2017, and in the amount of \$140,500.00 by Ordinance No. 18-183, passed on September 10, 2018, for the Sandusky Bay Initiative; and

WHEREAS, the City Commission authorized and directed the City Manager to enter into a Professional Services & Subgrant Agreement with Foth Infrastructure & Environment, LLC, of De Pere, Wisconsin, for Area 1 & 2 Projects for the Sandusky Bay Initiative Project by Ordinance No. 17-130, passed on June 26, 2017, and subsequently approved amendments to the agreement by Ordinance No. 18-045, passed February 26, 2018, and Ordinance No. 18-184, passed on September 10, 2018; and

WHEREAS, this City Commission authorized and directed the City Manager to accept grant funds in the amount of \$4,029,500.00 from the Ohio Department of Natural Resources (ODNR) in cooperation with the Ohio Environmental Protection Agency for the Cedar Point Causeway Wetland Project - Phase 1 and relating Sandusky Bay Initiative by Ordinance No. 20-115, passed on August 10, 2020; and

WHEREAS, this City Commission authorized and directed the City Manager to enter into a Professional Services Agreement with KS Associates, Inc. of Elyria, Ohio, for the Cedar Point Causeway Wetland Project - Phase 1, by Ordinance No. 21-093, passed on June 14, 2021; and

WHEREAS, the Cedar Point Causeway Wetland Project is Project 2 of the Sandusky Bay Initiative (SBI) and Phase 1 of the Cedar Point Causeway Wetland Project involves the installation of an armor stone breakwater from local quarries, natural wooden structures, turbidity curtains and other environmentally friendly materials to construct basins for the placement of dredged material; and

WHEREAS, the total estimated cost for this portion of the project is \$3,716,000.00 and will be paid with grant funds received from the Ohio Department of Natural Resources in cooperation with the Ohio Environmental Protection Agency; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to bid the project, receive competitive prices and award a contract so the project can proceed and the construction activities can be completed during the tourism offseason; and

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WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The specifications and estimates of cost as prepared by the Director of Public Works and submitted to this City Commission, and which are now on file in the offices of the Director of Public Works and the Clerk of the City Commission, for the proposed Cedar Point Causeway Wetland Project - Phase 1, Project 1, be and the same hereby are approved by this City Commission.

Section 2. This City Commission hereby declares it necessary to proceed with the proposed Cedar Point Causeway Wetland Project - Phase 1, Project 1, at the earliest possible time.

Section 3. The City Manager is authorized and directed to advertise for and to receive bids in relation to the proposed Cedar Point Causeway Wetland Project - Phase 1, Project 1, as required by law.

Section 4. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 6. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its

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adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

KELLY L. KRESSER
INTERIM CLERK OF THE CITY COMMISSION

Passed: August 9, 2021