

**ORDINANCE NO. 23-077**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SPEER BROS., INC. OF SANDUSKY, OHIO, FOR THE WARREN STREET RECONSTRUCTION PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the Warren Street Reconstruction Project involves the reconstruction of Warren Street between Water Street and Market Street and between Washington Street and E. Monroe Street and includes the replacement of the waterline, fire hydrants, service lines and meters, adding storm sewer, curbing, driveway aprons, a sidewalk on the east side and an asphalt multi-use path on the west side tying Shoreline Park to Huron Park and full depth asphalt pavement; and

**WHEREAS**, the City Commission approved an Agreement for Professional Design Services with LJB, Inc. of Fairview Park, Ohio, for preliminary engineering and design for the Warren Street Reconstruction Project by Ordinance No. 20-061, passed on March 23, 2020; and

**WHEREAS**, the City Commission approved a First Amendment to the Agreement for Professional Design Services with LJB, Inc. of Fairview Park, Ohio, for additional work including encroachment license agreements, Elm Street realignment, and manage combined sewer cleaning contract for the Warren Street Reconstruction Project by Ordinance No. 20-108, passed on July 27, 2020, and the final design was completed by a local firm, Red Barn Engineering, Inc.; and

**WHEREAS**, the City Commission authorized the submission of an application and to enter into a Project Agreement with the Ohio Public Works Commission (OPWC) to participate in the Ohio Public Works Commission's State Capital Improvement and/or Local Transportation Improvement Programs authorized by Chapter 164 (Aid to Local Government Improvements) of the Ohio Revised Code for the Warren Street Reconstruction Project by Resolution No. 037-21R, passed on August 23, 2021; and

**WHEREAS**, this City Commission declared the necessity for the City to proceed with the proposed Warren Street Reconstruction Project by Resolution No. 006-23R, passed on February 13, 2023; and

**WHEREAS**, upon public competitive bidding as required by law, two (2) appropriate bids were received and the bid from Speer Bros., Inc. of Sandusky, Ohio, was determined to be the lowest and best bid; and

**WHEREAS**, the total construction cost of this project, based on bids and including Alternate Bid Items 2, 3 and 4, is \$3,032,220.00 and will be paid as follows:

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OPWC Grant	\$325,000.00
OPWC Loan	\$162,500.00
Issue 8 Street	\$62,093.00
PRK/ADM - Path	\$125,000.00
PRK/ADM - Street	\$448,978.00
Stimulus	\$168,649.00
OWDA Water	\$865,000.00
OWDA Sewer	\$875,000.00
<b>TOTAL</b>	<b>\$3,032,220.00</b>

; and

**WHEREAS**, approval is being requested in companion legislation to approve a Cooperative Agreement with the Ohio Water Development Authority (OWDA) to finance the cost of construction for the storm sewer, sanitary and water portion of the Warren Street Reconstruction Project; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow the contractor to complete the project prior to the construction completion deadline of December 1, 2023; and

**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 **Ordinance** 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 ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to enter into a contract with Speer Bros., Inc. of Sandusky, Ohio, for the Warren Street Reconstruction Project, in an amount **not to exceed** Three Million Thirty-Two Thousand Two Hundred Twenty and 00/100 Dollars (\$3,032,220.00) consistent with the bid submitted by Speer Bros., Inc. of Sandusky, Ohio, currently on file in the office of the Director of Public Works.

Section 2. If any section, phrase, sentence, or portion of this Ordinance 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.

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Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance 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 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



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RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION



ATTEST: 

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CATHLEEN A. MYERS  
CLERK OF THE CITY COMMISSION

Passed: March 27, 2023