

ORDINANCE NO. 23-094

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY SMITH PAVING & EXCAVATING, INC., OF NORWALK, OHIO, FOR THE 2022 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) E. WATER STREET PUBLIC PARKING LOT IMPROVEMENT PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City's public parking lot that lies between Columbus Avenue and Wayne Street, just South of, and accessible from Water Street, commonly referred as the long-standing abutting business "Daly's" lot and consisting of .626 acre and fifty-one (51) public parking spaces, was in poor condition requiring repairs beyond typical maintenance; and

WHEREAS, the 2022 Community Development Block Grant (CDBG) E. Water Street Public Parking Lot Improvement Project involved varying degrees of pavement work, slightly re-configuring the layout to gain six (6) additional parking spaces, concrete aprons for the recently installed dumpster pads, addition of curbed and raised concrete "islands" that will host planters, and addition of a third (3rd) access point onto E. Water Street, making ingress and egress easier; and

WHEREAS, the City Commission declared the necessity for the City to proceed with the proposed 2022 Community Development Block Grant (CDBG) E. Water Street Public Parking Lot Improvement Project by Resolution No. 031-22R, passed on May 9, 2022, and subsequently repealed the Resolution and declared the necessity for the City to proceed with a revised project, specifications and engineer's estimate by Resolution No. 037-22R, passed on June 13, 2022; and

WHEREAS, this First & Final Change Order reflects the increased thickness of concrete at the approach from 6" to 8", savings in quantity of curb installation, as well as a reduction in the contingency amount; and

WHEREAS, the original contract with Smith Paving & Excavating, Inc., was \$39,642.00 and with the **deduction** of this First & Final Change Order in the amount of \$1,178.30 the final contract cost is \$38,463.70, of which the unused funds will be returned to the CDBG Fund; 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 close out the completed project and finalize reporting; 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

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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 hereby authorized and directed to approve this First & Final Change Order for work performed for 2022 Community Development Block Grant (CDBG) E. Water Street Public Parking Lot Improvement Project and to **deduct** from the contract amount the sum of One Thousand One Hundred Seventy-Eight and 30/100 Dollars (\$1,178.30) resulting in the final contract cost of Thirty-Eight Thousand Four Hundred Sixty-Three and 70/100 Dollars (\$38,463.70) with Smith Paving & Excavating, Inc., of Norwalk, Ohio.

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.

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.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 24, 2023