

ORDINANCE NO. 23-111

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY ED BURDUE & CO. LLC, OF SANDUSKY, OHIO, FOR THE 2022 W. MONROE STREET DRAINAGE PROJECT IN THE AMOUNT OF \$12,046.47; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the 2022 W. Monroe Street Drainage Project involved the re-routing of stormwater runoff from along W. Monroe Street from Decatur Street to Fulton Street westward to Central Avenue where there is ample capacity to take the additional flow and specifically the project will add a 12" storm sewer dedicated for carrying the stormwater flows westward, away from the intersection, collecting runoff from eight (8) new catch basin structures that will have the ability to take more runoff than the existing basins; and

WHEREAS, this City Commission declared the necessity to proceed with the proposed 2022 W. Monroe Street Drainage Project by Resolution No. 061-22R, passed on November 14, 2022; and

WHEREAS, the City Commission approved the awarding of the contract to Ed Burdue & Co. LLC, of Sandusky, Ohio, for work to be performed for the 2022 W. Monroe Street Drainage Project by Ordinance No. 23-025, passed on February 13, 2023; and

WHEREAS, this First & Final Change Order reflects additional work to restore sidewalk, curb, pavement and curb ramps from the sewer work which required a wider trench than anticipated and a Columbia Gas line that was deeper than expected and conflicted with where the planned storm sewer crossed it between Poplar Street and Decatur Street; and

WHEREAS, the original contract with Ed Burdue & Co., LLC, of Sandusky, Ohio, was \$105,749.16, and with the addition of this First & Final Change Order in the amount of \$12,046.47, the final contract cost is \$117,795.63 and will be paid with Sewer Funds; 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 make final payment to the contractor for work already performed and close out the completed project; 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,

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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 the 2022 W. Monroe Street Drainage Project in an amount **not to exceed** Twelve Thousand Forty-Six and 47/100 Dollars (\$12,046.47) resulting in the final contract cost of One Hundred Seventeen Thousand Seven Hundred Ninety-Five and 63/100 Dollars (\$117,795.63) with Ed Burdue & Co. LLC, of Sandusky, 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: May 22, 2023