

ORDINANCE NO. 23-137

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY ED BURDUE & COMPANY OF SANDUSKY, OHIO, FOR THE CDBG FY21 DEMOLITION PROJECT #5 IN THE AMOUNT OF \$20,475.93; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed CDBG FY21 Demolition Project #5 by Resolution No. 057-22R, passed on October 24, 2022, which involved the asbestos abatement and demolition of the commercial structure located at 1228 W. Osborne Street, which was condemned and ordered for demolition by the City's Chief Building Official due to structural failure of the roof and second floor; and

WHEREAS, subsequent to approval of the Resolution and prior to advertising, a residential structure located at 402 Hendry Street was ordered for demolition by the Housing Appeals Board and it was recommended to bid out both properties together to obtain lower pricing; and

WHEREAS, this City Commission amended Resolution No. 057-22R and declared the necessity for the City to proceed with the modified proposed CDBG FY21 Demolition Project #5 by Resolution No. 064-22R, passed on November 28, 2022, to include the demolition of the structure located at 402 Hendry Street; and

WHEREAS, this City Commission approved the awarding of the contract to Ed Burdue & Company of Sandusky, Ohio, for work being performed for the CDBG FY21 Demolition Project #5 by Ordinance No. 23-081, passed on March 27, 2023; and

WHEREAS, this First & Final Change Order reflects additional work for asbestos removal after discovering asbestos at the 1228 W. Osborne Street property once demolition began, located in an area not accessible during appropriate testing prior to commencing demolition; and

WHEREAS, the original contract with Ed Burdue & Company was \$145,300.00, and with the addition of this First & Final Change Order in the amount of \$20,475.93, the final contract cost is \$165,775.93 and will be paid with FY21 Community Development Block Grant (CDBG) 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 contractor for work already performed and to 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 Community Development, of the City of Sandusky, Ohio, the City Commission of the City of

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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 hereby authorized and directed to approve this First & Final Change Order for work performed for the CDBG FY21 Demolition Project #5 in an amount **not to exceed** Twenty Thousand Four Hundred Seventy-Five and 93/100 Dollars (\$20,475.93) resulting in the final contract cost of One Hundred Sixty-Five Thousand Seven Hundred Seventy-Five and 93/100 Dollars (\$165,775.93) with Ed Burdue & Company 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: June 26, 2023