

ORDINANCE NO. 23-218

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND ADDITIONAL FUNDS FOR THE OHIO DEPARTMENT OF TRANSPORTATION'S RESURFACING - URBAN PAVING CITY OF SANDUSKY PROJECT IN THE AMOUNT OF \$119,453.56; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to State law, maintenance of State routes and U.S. routes within a municipal corporation limits are the responsibility of the municipality, however, the Ohio Department of Transportation (ODOT) began a State-wide Urban Paving program several years ago that allocates funds towards resurfacing of dedicated State routes and to prioritize these projects, ODOT completes a pavement analysis on all State routes on a routine basis and all of State Route 6 within the corporation limits is scheduled for reconstruction between 2020 and 2023; and

WHEREAS, the ODOT Resurfacing - Urban Paving City of Sandusky Project consists of resurfacing U.S. 6 between the pavement joint just west of Venice Road / Sanford Street and the Sandusky southern corporation limit and U.S. 250 between Cleveland Road and 500 feet north of Butler Street, including pavement repair, concrete repair, structure maintenance, and pavement markings, lying within the City of Sandusky; and

WHEREAS, the City Commission previously adopted the preliminary legislation submitted by the Director of the Ohio Department of Transportation for the ODOT Resurfacing - Urban Paving City of Sandusky Project, PID No. 92889, by Resolution No. 011-19R, passed on March 11, 2019; and

WHEREAS, this City Commission previously authorized a contract with the Director of the Ohio Department of Transportation for their ODOT Resurfacing - Urban Paving City of Sandusky Project, PID No. 92889 by Ordinance No. 20-080, passed on May 26, 2020; and

WHEREAS, subsequent to public competitive bidding by the State, the lowest and best bid was from Erie Blacktop, Inc. in the amount of \$2,352,699.00, and the City's portion of costs was \$1,093,147.00 and paid as follows:

Capital Funds (Street)	\$ 830,602.00
Street Funds (new gas tax)	\$ 110,000.00
Sewer Funds (Storm Sewer - catch basins)	\$ 40,000.00
Sewer Funds (Sanitary - manholes)	\$ 35,000.00
Water Funds (valve boxes)	\$ 30,000.00
<u>Issue 8 Funds (Street)</u>	<u>\$ 47,545.00</u>
Total	\$ 1,093,147.00

WHEREAS, a breakdown of the final project quantities was received in September of 2023, as agreed upon by Erie Blacktop and the Ohio Department of Transportation, resulting in a final project cost of \$2,694,207.97 which is an increase of \$341,508.97; and

PAGE 2 - ORDINANCE NO. 23-218

WHEREAS, the Final Change Order reflects the actual work performed and the actual quantities used in the field by the contractor, as well as additional work performed as part of the 2020 project at the City's request; and

WHEREAS, the City's original portion of costs was estimated at \$1,093,147.00 and with the additional cost of \$119,453.56, the total adjusted cost is \$1,212,600.56 and the additional cost will be paid with Sewer Funds in the amount of \$59,726.78 and Issue 8 Funds (Street) in the amount of \$59,726.78; 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 payment to the Ohio Department of Transportation prior to the end of the calendar year; 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. This City Commission hereby authorizes and directs the Finance Director to make payment to the Treasurer of State as required by the Ohio Department of Transportation for the additional cost for the Ohio Department of Transportation's Resurfacing - Urban Paving City of Sandusky Project, PID No. 92889, at an amount **not to exceed** One Hundred Nineteen Thousand Four Hundred Fifty-Three and 56/100 Dollars (\$119,453.56).

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

PAGE 3 - ORDINANCE NO. 23-218

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: November 13, 2023