

**RESOLUTION NO. 040-23R**

**A RESOLUTION DECLARING THE NECESSITY FOR THE CITY TO PROCEED WITH THE PROPOSED 2023 UNDERPASS REHABILITATION AT COLUMBUS AVENUE PROJECT; APPROVING THE SPECIFICATIONS AND ENGINEER'S ESTIMATE OF COST THEREOF; AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR AND RECEIVE BIDS IN RELATION THERETO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City is responsible for the approaches to, and general maintenance of, all underpasses throughout the City and Norfolk Southern (NS), the major rail user of these underpasses, is responsible for the structural aspects (concrete abutments and steel supports) of the underpasses, but takes no responsibility in the public portions beyond the structure; and

**WHEREAS**, in the fall of 2022, a train derailment at the Columbus Avenue underpass halted the City's rehabilitation projects that were planned including the Columbus Avenue Lift Station and a project to improve underpass lighting and cleaning and coating masonry walls; and

**WHEREAS**, the underpass itself is in fairly good condition as it had a complete reconstruction in 1999 to address some major masonry concerns and later in 2017 some repairs and preventative maintenance were completed; and

**WHEREAS**, the proposed 2023 Underpass Rehabilitation at Columbus Avenue address the previously planned rehabilitation to the underpass and involves replacing the remaining unsafe walkway handrail with a rustproof aluminum style, upgrading the underpass lighting to match the LED lighting fixtures on the Camp Street underpass for pedestrian and driver safety, power washing and chiseling off the existing wall coatings to the stone/concrete structure, repairing delamination and cracks with specialized cements and epoxies, and reapplying a new waterproof coating system; and

**WHEREAS**, the total estimated construction cost for this project is \$499,663.50 and will be paid with American Rescue Plan Act (ARPA) Stimulus Funds; and

**WHEREAS**, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to bid the project, receive competitive prices and award a contract as soon as possible to begin ordering fencing material as there are extremely long lead times on this type of material; 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 **Resolution** 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 RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

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Section 1. The specifications and estimates of cost as prepared by the Director of Public Works and submitted to this City Commission, and which are now on file in the offices of the Director of Public Works and the Clerk of the City Commission, for the proposed 2023 Underpass Rehabilitation at Columbus Avenue Project, be and the same hereby are approved by this City Commission.

Section 2. This City Commission hereby declares it necessary to proceed with the proposed 2023 Underpass Rehabilitation at Columbus Avenue Project at the earliest possible time.

Section 3. The City Manager is authorized and directed to advertise for and to receive bids in relation to the proposed 2023 Underpass Rehabilitation at Columbus Avenue Project as required by law.

Section 4. If any section, phrase, sentence, or portion of this Resolution 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 5. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution 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 6. That for the reasons set forth in the preamble hereto, this Resolution 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: September 11, 2023