

**ORDINANCE NO. 21-117**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY ED BURDUE & CO. LLC, OF SANDUSKY, OHIO, FOR THE JAYCEE PARK CONNECTOR TRAIL PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the Jaycee Park Connector Trail Project involves the installation of a 10 (ten) foot wide asphalt multi-use path in Jaycee Park along the west edge of the park from Milan Road south to Lane Street which will connect into the Osborn Street and McKelvey Street entrances; and

**WHEREAS**, the project also provided for resurfacing Osborne Street from the park entrance to Wayne Street and McKelvey Street from the park entrance to Milan Road; and

**WHEREAS**, this City Commission declared the necessity to proceed with the proposed Jaycee Park Connector Trail Project by Resolution No. 031-20R, passed on August 24, 2020; 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 Jaycee Park Connector Trail Project by Ordinance No. 20-142, passed on September 28, 2020; and

**WHEREAS**, this First & Final Change Order reflects the actual work performed and actual quantities used in the field by the contractor and the extension of the completion date from December 1, 2020 to May 28, 2021; and

**WHEREAS**, the original contract with Ed Burdue & Co. LLC, was \$143,326.03, and with the **deduction** of this First & Final Change Order in the amount of \$955.11, the final contract cost is \$142,370.92 and will be paid with Capital Funds through the Sandusky Neighborhood Initiative 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 for the contractor to be paid for work already completed in the field 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 Public Services, 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:

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Section 1. The City Manager is hereby authorized and directed to approve this First & Final Change Order for work performed for the Jaycee Park Connector Trail Project and to **deduct** from the contract amount the sum of Nine Hundred Fifty Five and 11/100 Dollars (\$955.11) resulting in the final contract cost of One Hundred Forty Two Thousand Three Hundred Seventy and 92/100 Dollars (\$142,370.92) with Ed Burdue & Co. LLC, of Sandusky, Ohio, and to extend the final completion date from December 1, 2020 to May 28, 2021.

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:

KELLY L. KRESSER  
INTERIM CLERK OF THE CITY COMMISSION

Passed: July 26, 2021