

ORDINANCE NO. 21-133

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 2020 SHARED DRIVEWAY CONSTRUCTION PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, upon interest in constructing residential housing in and around the downtown area and more specifically, in the City owned property at 430 E. Market Street, formerly part of the Sandusky Cabinets property, the City began to explore the idea of constructing a rear alleyway off Franklin Street to accommodate new residential structures on E. Market Street between Franklin Street and Warren Street; and

WHEREAS, it was decided that in order to create similarly sized, new residential lots through the re-platting process and to install a new shared private alleyway, memorialized through easements, it would be exponentially easier with common ownership of all the real estate; and

WHEREAS, this City Commission approved the purchase of the property located at 208 Franklin Street and 410 E. Market Street, Parcel Nos. 56-003480.000 and 56-00349.00 by Ordinance No. 20-106, passed on July 27, 2020, and this property, along with the City's adjoining properties located at 430 E. Market Street and 216 Franklin Street, are being re-platted to create five (5) residential lots; and

WHEREAS, the 2020 Shared Driveway Construction Project involved excavation of existing earthen material, placement and leveling of stone aggregate sub-base, and multiple layers of asphalt pavement creating a surface for the shared driveway for all adjacent parcels to use; and

WHEREAS, this City Commission declared the necessity to proceed with the proposed 2020 Shared Driveway Construction Project by Resolution No. 032-20R, passed on August 24, 2020; and

WHEREAS, this City Commission approved the awarding of the contract to Ed Burdue & Co. LLC, of Sandusky, Ohio, for work to be performed for the 2020 Shared Driveway Construction Project by Ordinance No. 20-143, 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 unused contingency amount; and

WHEREAS, the original contract with Ed Burdue & Co. LLC, of Sandusky, Ohio, was \$33,077.09, and with the **deduction** of this First & Final Change Order in the amount of \$3,032.30, the final contract cost is \$30,044.79 which will be a savings to the Real Estate Development 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 make payment to the contractor for work already performed and materials used and to close out the completed project; and

PAGE 2 - ORDINANCE NO. 21-133

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. The City Manager is hereby authorized and directed to approve this First & Final Change Order for work performed for the 2020 Shared Driveway Construction Project and to **deduct** from the contract amount the sum of Three Thousand Thirty Two and 30/100 Dollars (\$3,032.30) resulting in the final contract cost of Thirty Thousand Forty Four and 79/100 Dollars (\$30,044.79) 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.

PAGE 3 - ORDINANCE NO. 21-133

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: September 13, 2021