

## **ORDINANCE NO. 10-59 AC CMS**

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH KELLY BROTHERS CONSTRUCTION, INC. OF ELYRIA, OHIO, FOR THE CITY OF OBERLIN SOUTH MAIN STREET WATER LINE IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY

WHEREAS, by Ordinance No. 09-86 AC CMS Oberlin City Council awarded a contract to Kelly Brothers Construction, Inc. of Elyria, Ohio, for the South Main Street Water Line Improvement Project in the amount of \$118,752.40; and

WHEREAS, by Ordinance No. 10-27 AC CMS Oberlin City Council amended said contract to Kelly Brothers Construction, Inc. to increase the contract value by \$35,500; and

WHEREAS, during the course of the work, it has been discovered by the Public Works Department that it will be necessary for Kelly Brothers Construction, Inc. to perform additional unforeseen work to properly complete the project, and, as a result, the contract amount needs to be increased by an additional \$15,121.50.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the contract between the City of Oberlin and Kelly Brothers Construction Inc., as approved by Ordinance No. 09-86 AC CMS, as amended, for the South Main Street Water Line Improvement Project in the City of Oberlin, is hereby amended to authorize the payment of an additional \$15,121.50 to Kelly Brothers Construction Inc. for additional necessary work, and the City Manager is hereby authorized and directed to execute an amendment to said contract authorizing said payment.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit:

"to allow for timely continuation of a project under construction" and shall take effect immediately upon passage.

PASSED:      1<sup>st</sup> Reading – August 16, 2010 (S,E)  
                  2<sup>nd</sup> Reading –  
                  3<sup>rd</sup> Reading –

ATTEST:

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BELINDA B. ANDERSON, CMC  
CLERK OF COUNCIL

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KENNETH SLOANE  
PRESIDENT OF COUNCIL

POSTED: 8/17/2010

EFFECTIVE DATE: 8/16/2010