

ORDINANCE NO. 2016-77
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AUTHORIZING CHANGE ORDER
NO. 1 WITH DON WARTKO CONSTRUCTION, INC.
FOR THE 2016 SIDEWALK REPAIR PROGRAM-
FARNHURST ROAD, AUTHORIZING THE CLOSEOUT
OF SAID CONTRACT, AND DECLARING AN
EMERGENCY**

WHEREAS, the City has previously entered into a Contract with Don Wartko Construction, Inc. for the 2016 Sidewalk Repair Program-Farnhurst Road; and

WHEREAS, Don Wartko Construction, Inc. has successfully completed the Contract; and

WHEREAS, it is necessary to enter into a Change Order as set forth herein due to needed additions to the Program or unforeseen circumstances associated with the Contract in order to initiate and complete the closeout procedure. Now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDBURST,
CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

SECTION 1. The Mayor be and he is hereby authorized to enter into a Change Order Contract with Don Wartko Construction, Inc. for the additional amount of Two Thousand Eighteen Dollars and 24/100 (\$2,018.24), in addition to the Contract heretofore authorized by the Board of Control of this Council, as and for final reconciliation of contract quantities, all as more fully set forth in Change Order No. 1, dated September 19, 2016, which is fully incorporated herein. The City Engineer has approved the aforesaid Change Order.

SECTION 2. The Director of Finance be and is hereby authorized and directed to pay the amount provided for in Section 1 of this Ordinance upon passage hereof and execution of the Change Order authorized herein and completion of the work.

SECTION 3. This Council determines that the work included in the Contract with Don Wartko Construction, Inc. has been completed, and the Contract may be closed out, and the retainage released, pursuant to the application and certificate for final payment, the final Contract price, including additions and deletions, being Nine Thousand One Hundred Fifty-One Dollars and 99/100 (\$9,151.99). This final payment amount has been approved by the City Engineer.

SECTION 4. The Mayor be and he is hereby authorized to execute all documents necessary to complete the closeout of this Contract in accordance with this Ordinance.

SECTION 5. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Lyndhurst and its residents for the reason that it is necessary to approve the aforesaid changes so as to not unnecessarily delay the completion of the aforesaid Project. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: October 4, 2016

MAYOR

VICE-MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on October 13, 2016 and October 20, 2016.

Clerk of Council

First Reading: October 4, 2016

Second Reading: Suspended

Third Reading: Suspended

Passed 10-4-2016