

**ORDINANCE 2021.19**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH FACEMYER LANDSCAPING LLC FOR CONSTRUCTION OF A PEDESTRIAN TRAIL ADJACENT TO THE UPGROUND RESERVOIRS AND ALL NECESSARY APPURTENANCES, WAIVING FORMAL BIDDING PURSUANT TO SECTION 9.02 (C) OF THE SUNBURY CHARTER, AND DECLARING AN EMERGENCY**

**WHEREAS**, the Council for the Village of Sunbury has identified a need to install a pedestrian trail along the top of the upground reservoirs formerly used in conjunction with the municipal water treatment plant reservoirs (“Reservoirs Pedestrian Trail Project”); and

**WHEREAS**, Facemyer Landscaping LLC has submitted a proposal to complete the necessary work at a cost of \$159,287.00, said work to be completed concurrent with the pending Reservoirs Outlet Piping Project; and

**WHEREAS**, pursuant to section 9.02 (C) of the Charter of Sunbury, Ohio, Council has determined that a waiver of competitive bidding is in the best interest of the Municipality; and

**WHEREAS**, Council wishes to authorize the Village Administrator, the Director of Law and the Director of Finance to execute a contract with Facemyer Landscaping LLC in the amount of \$159,287.00 and further authorize a 10% owner-controlled contingency in the amount of \$16,000.00 for a total amount of \$175,287.00 and any other required documentation for the Reservoirs Pedestrian Trail Project.

**NOW, THEREFORE, BE IT ORDAINED** by the Council for the Village of Sunbury, County of Delaware, State of Ohio as follows:

**SECTION I:** The contract for the Reservoirs Pedestrian Trail Project and necessary appurtenances with Facemyer Landscaping LLC in the amount of \$159,287.00 is hereby approved. Council further authorizes a 10% owner-controlled contingency if needed in the amount of \$16,000.00. A copy of said contract is attached hereto as Exhibit “A”.

**SECTION II:** The Village Administrator, the Director of Law and the Director of Finance are hereby authorized to execute the contract with Facemyer Landscaping LLC for the Reservoirs Pedestrian Trail Project as required and any other related or necessary documents consistent with this legislation, provided that the contract shall be substantially in the form presented to this Council, with such changes not inconsistent with this Ordinance as shall be agreed to by the Village Administrator, the Director of Law and the Director of Finance with the execution by the Village Administrator, the Director of Law and the Director of Finance constituting conclusive evidence of such approval.

**SECTION III:** It is found and determined that all formal actions of this Council concerning and related to the adoption of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**SECTION IV:** This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the Village of Sunbury, Ohio, to allow construction of the Reservoirs Pedestrian Trail Project to be constructed concurrently with the pending Reservoirs Outlet Piping and Improvements Project and to provide additional outdoor pedestrian recreational opportunities to Village residents at the earliest possible date.

**WHEREFORE,** this Ordinance shall take effect and be in force immediately from and after its passage.

|  |             |             |
|--|-------------|-------------|
| <b>VOTE ON SUSPENSION OF THE RULES</b> | <b>YEAS</b> | <b>NAYS</b> |
|--|-------------|-------------|

|       |       |
|-------|-------|
| _____ | _____ |
|-------|-------|

|                          |             |             |
|--------------------------|-------------|-------------|
| <b>VOTE ON EMERGENCY</b> | <b>YEAS</b> | <b>NAYS</b> |
|--------------------------|-------------|-------------|

|       |       |
|-------|-------|
| _____ | _____ |
|-------|-------|

|                                  |             |             |
|----------------------------------|-------------|-------------|
| <b>VOTE ON ORDINANCE 2021.19</b> | <b>YEAS</b> | <b>NAYS</b> |
|----------------------------------|-------------|-------------|

|       |       |
|-------|-------|
| _____ | _____ |
|-------|-------|

**PASSED:** \_\_\_\_\_, 2021

\_\_\_\_\_  
**Tommy Hatfield, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kathy Belcher, Director of Finance**

**CERTIFICATION**

I hereby certify on this \_\_\_\_ day of \_\_\_\_\_, 2021, that the foregoing is a true and accurate copy of the Ordinance passed at the meeting held on \_\_\_\_\_, 2021, of the Village of Sunbury, County of Delaware, State of Ohio.

\_\_\_\_\_  
**Director of Finance**