

**ORDINANCE NO. 2023.14**

**AN ORDINANCE AUTHORIZING A CHANGE ORDER TO THE CONTRACT FOR THE OHIO FALLEN HEROES TRAIL PHASE 3 PROJECT WITH FACEMYER LANDSCAPING LLC OF SUNBURY, OHIO AND DECLARING AN EMERGENCY**

**WHEREAS**, on or about November 18, 2022, bids were solicited for the Ohio Fallen Heroes Trail Phase 3 Project ; and

**WHEREAS**, Facemyer Landscaping LLC of Sunbury, Ohio submitted the lowest and best bid One Hundred Ninety Thousand Six Hundred Forty-Five and 31/100 (\$190,645.31) Dollars for the base bid; and

**WHEREAS**, the City of Sunbury subsequently received a grant in the amount of \$40,000 from Preservation Parks of Delaware County, through its Community Trail Improvement Grant Program should Phase 4 of the Ohio Fallen Heroes Trail project also be completed; and

**WHEREAS**, Council for the City of Sunbury now wishes to authorize the City Administrator to execute a change order to the Fallen Heroes Trail Phase 3 contract with Facemyer Landscaping LLC in the additional amount of \$108,031.18 to complete Phase 4 of the Ohio Fallen Heroes Trail project which \$40,000 will be paid by the grant from Preservation Parks of Delaware County.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Sunbury, Delaware County, Ohio;

**SECTION I:** The change order to the Fallen Heroes Trail Phase 3 contract with Facemyer Landscaping LLC in the additional amount of \$108,031.18 is approved.

**SECTION II:** The City Administrator is hereby authorized to execute a change order to the contract and any and all other necessary documents with Facemyer Landscaping LLC.

**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 City of Sunbury, Ohio, to allow the award of said change order to the contract to be made without undue delay to construction to continue as scheduled and

facilitate completion of construction of the trail for the enjoyment of City residents and visitors.

**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 2023.14</b>	<b>YEAS</b>	<b>NAYS</b>
	_____	_____

**PASSED:** \_\_\_\_\_, 2023

\_\_\_\_\_  
**Joseph St. John, Mayor**

**ATTEST:**

\_\_\_\_\_  
Amber Swain, Clerk of Council

**CERTIFICATION**

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, that the foregoing is a true and accurate copy of the Ordinance passed at the meeting held on \_\_\_\_\_, 2023 of the City of Sunbury, County of Delaware, State of Ohio.

\_\_\_\_\_  
Amber Swain, Clerk of Council