

ORDINANCE NO. 2012- 3592

AN ORDINANCE TO AUTHORIZE THE EXPENDITURE AND DIRECT THE SAFETY SERVICE DIRECTOR TO RATIFY THE MAY 27, 2010 CONTRACT WITH HM MILLER, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL, CITY OF FREMONT, STATE OF OHIO:


SECTION 1. The Contract between the City of Fremont, Ohio and H.M. Miller Construction Co. for the Raw Water Reservoir, Phase 1 – Final Construction is defined as and includes the following:

1. The Agreement effective May 27, 2010 with an original contract price of \$3,975,100;
2. Change Orders 1, 2, and 3;
3. Addendum 1 to Agreement;
4. General Conditions and Specifications; and
5. All Construction Bulletins, Work Change Directives, and related modifications to the original Agreement.

SECTION 2. Fremont City Council hereby authorizes the Safety Service Director to ratify the Contract as defined in Section 1; provided, however, that the City reserves for all purposes all of its rights, claims, and positions with respect to its interpretation of the Contract.

SECTION 3. The immediate operation of the provisions of this ordinance is necessary for the preservation of the health, safety, and welfare of the citizens of Fremont, said emergency being the need for HM Miller to return to the jobsite and complete the work on the reservoir.

This ordinance, provided it receives a two-thirds yea or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this ordinance shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Mayor, and publication and posting as required by law.



 James G. Weaver
 President of Council


PASSED: 7-5-12

Effective date: 7-5-12

YEAS: 6 NAYS: 0



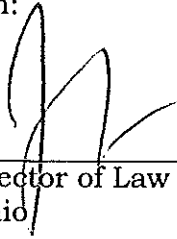
 Elaine J. Huntley, City Council Clerk



 James H. Ellis, Mayor

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Approved as to form:

A handwritten signature in black ink, appearing to be 'JF Melle', written over a horizontal line.

James F. Melle, Director of Law
City of Fremont, Ohio