

ORDINANCE NO. 2000-107

ORDINANCE CONSENTING TO THE ASSIGNMENT OF THE CONTRACT BETWEEN MASON AND J.R. HERDMAN EXCAVATING TO LITTLE MIAMI SAND AND GRAVEL, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Ordinance No. 2000-93, Mason City Council authorized the City Manager to enter into a contract with J.R. Herdman Excavating for the installation of water mains along Butler-Warren and Mason Roads (the "Contract"); and

WHEREAS, J.R. Herdman Excavating has requested the Contract be permitted to be assigned to Little Miami Sand and Gravel in order to provide sufficient security to ensure the proper performance of the Contract; and

WHEREAS, the Contract requires the consent of Mason prior to any such assignment; and

WHEREAS, the City Engineer has determined that Little Miami Sand and Gravel is qualified to perform all of J.R. Herdman Excavating's duties and obligations under the Contract;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio **six (6)** members thereto concurring:

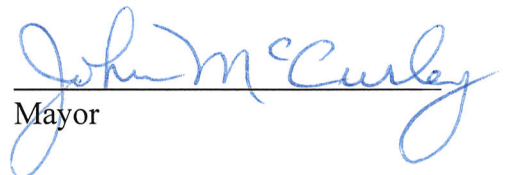
Section 1: That the City Council hereby consents to the assignment of the Contract from J.R. Herdman Excavating to Little Miami Sand and Gravel.

Section 2: That the City Manager is hereby authorized and directed to execute any and all assignment agreements necessary to assign the Contract.

Section 3. That the Finance Director is hereby authorized and directed to pay said Little Miami Sand and Gravel the moneys owed under the Contract (in an amount not to exceed \$329,866.19) for said supplies, materials and labor.

Section 4: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare, and shall be effective immediately upon its passage. The reason for said declaration of emergency is the need to proceed with the installation of the water mains according to the original terms of the Contract to attain the benefits set forth in Ordinance 2000-93.

Passed this 24th day of July, 2000.


Mayor

ATTEST:


Clerk of Council