

ORDINANCE 2004-81
Passed December 7, 2004

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH DON WALSH AND ASSOCIATES, INC. FOR ACQUISITION OF REPLACEMENT PLAYGROUND EQUIPMENT FOR ARBOR RIDGE PARK, SUSPENDING ANY OBLIGATION TO SEEK COMPETITIVE BIDS, AND DECLARING AN EMERGENCY.

WHEREAS, Council had previously authorized acceptance of a bid from Don Walsh and Associates, Inc. for installation of playground equipment for the Powell Park Development Phase II for Arbor Ridge Park in the amount of sixty eight thousand two hundred dollars (\$68,200.00) and,

WHEREAS, pursuant to such contract Don Walsh and Associates installed the subject equipment and the price was paid and,

WHEREAS, subsequent to installation, a third party damaged the equipment rendering the same useless and necessitating its extraction and replacement and,

WHEREAS, Don Walsh and Associates, Inc. has indicated it can replace the equipment for the same cost and upon the same terms as its initial contract with the City, which contract had been competitively bid.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That the City Manager is authorized to execute a contract with Don Walsh and Associates, Inc. for the replacement of playground equipment at Arbor Ridge Park for the sum of forty six thousand five hundred nineteen dollars and seventy six cents (\$46,519.76), a copy of which is attached hereto as Exhibit A.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this *Ordinance* were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the City of Powell which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 3: Council hereby finds that an emergency exists, such emergency arising out of the necessity to complete replacement of damaged park equipment prior to the onset of bad weather and by reason thereof determines that this *Ordinance* shall take effect immediately upon its adoption.

VOTE ON RULE SUSPENSION: Y__6__ N__0__

VOTE ON ORDINANCE NO.: 2004-81 Y__6__ N__0__

Don Wiencek 12/21/04
Don Wiencek, Mayor Date

Dawn Nauman 12/30/04
Dawn Nauman, Clerk Date

This legislation has been posted in accordance with the City Charter on this date 12/30/04

Nauman
Clerk of Council

