

AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, AMENDING SECTION TWO OF ORDINANCE #2792 OF THE CITY OF WILDWOOD, MISSOURI, INCREASING THE TOTAL AUTHORIZATION AMOUNT FOR THE CITY-CONTRACTOR AGREEMENT AUTHORIZED PURSUANT TO SAID ORDINANCE #2792 TO ALLOW FOR THE RESURFACING OF CENTER AVENUE BY N.B. WEST CONTRACTING COMPANY.

WHEREAS, on May 15, 2023, the City Council of the City of Wildwood, Missouri (the “City”), passed and approved Ordinance #2792, which authorized a City-Contractor Agreement (the “Agreement”) by and between the City and N. B. West Contracting Company, Inc. (the “Contractor”), for the resurfacing of various public streets within the City (the “2023 Resurfacing Project”); and

WHEREAS, pursuant to Section Two of Ordinance #2792, “[t]he total expenses and liability of the City under the Contract shall not exceed a contract sum of \$643,072.54, except that the Director of Public Works may, by written change order, increase the scope of the work pursuant to the same contract rates and terms in an amount not to exceed a total authorization under this Ordinance of \$668,072.54”; and

WHEREAS, the Department of Public Works has identified additional work, including the milling and resurfacing of Center Avenue, between Manchester Road and Falstone Mille Ct./Bordeau Walk Way, to be completed by Contractor (the “Additional Work”); and

WHEREAS, the amount of the Additional Work will exceed the total authorization of \$668,072.54 for the Agreement as specified by Ordinance # 2792; and

WHEREAS, the City Council of the City (the “City Council”) finds and determines that it is to the benefit of the City for the Contractor to complete the Additional Work, as identified by the Department of Public Works, in order to complete the construction of the Project; and

WHEREAS, to complete the Additional Work, the City Council finds it is necessary to increase the total authorization, as specified by Ordinance # 2792, to a maximum amount of \$682,572.54.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AS FOLLOWS:

Section One. That Ordinance #2792 of the City of Wildwood, Missouri, shall be and is hereby amended by deleting Section Two thereof in its entirety and replacing it, in lieu thereof, with a new Section Two to read, as follows:

Section Three. The total aggregate expenses and liability of the City under the Agreement, as authorized by Ordinance #2792, shall not exceed \$682,572.54, except that the City Council may by resolution increase said amount upon

recommendation by the City Administrator and Director of Public Works.

Section Two. Savings. Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

Section Three. Severability. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Section Four. This Ordinance shall be in full force and effect from and after its passage and approval.


This Bill was passed and approved this 9th day of October, 2023, by the Council of the City of Wildwood, Missouri, after having been read by title or in full two times prior to its passage.



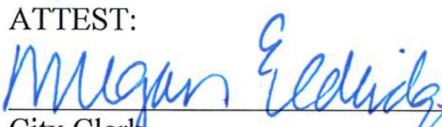
Presiding Officer



James R. Bowlin, Mayor

ATTEST:


City Clerk

ATTEST:


City Clerk