

ORDINANCE NO 103

AN ORDINANCE APPROVING THE PLANS, SPECIFICATIONS AND CONTRACTUAL DOCUMENTS FOR THE IMPROVEMENT OF CERTAIN STREETS OR PORTIONS THEREOF, IN THE City OF WHEELER. TEXAS, HEREINBEFORE ORDERED IMPROVED BY AN ORDINANCE DULY PASSED AND APPROVED ON THE 17th OF JULY, 1978, DETERMINING THE MANNER IN WHICH BIDS FOR THE CONSTRUCTION OF SUCH IMPROVEMENTS SHALL BE TAKEN; FIXING THE MANNER IN WHICH NOTICE SHALL BE GIVEN TO BIDDERS; FIXING THE TIME FOR THE OPENING OF BIDS; PROVIDING FOR THE PAYMENT OF PREVAILING RATES OF PER DIEM WAGES IN THIS LOCALITY; MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH REFERENCE TO SPECIAL PROVISIONS OF THE CONTRACTUAL DOCUMENTS; MAKING OTHER FINDINGS AND DETERMINATIONS PERTINENT TO THE SUBJECT; DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE AND APPROVAL.

WHEREAS, the City Council of the City of Wheeler, Texas by an ordinance duly passed and approved on the 17th day of July, 1978, determined and declared the necessity for and ordered the improvement of certain streets, or portions thereof, within the limits set forth therein and in the manner set forth in said ordinance and determining to assess a portion of the cost of the improvements against the properties abutting on the streets, or portions thereof, to be improved; and

WHEREAS, THE City's Engineer has prepared plans and specifications for the construction of the improvements for said streets, or portions thereof; and

WHEREAS, the City Council having examined the plans and specifications prepared by the City Engineer is of the opinion and finds that the street improvements heretofore ordered by ordinance of said City Council duly passed and approved on July 17, 1978, should be constructed in the manner set out in such plans and specifications prepared by the City Engineer and that such streets, or portions thereof, should be improved to the width shown on such plans; and

WHEREAS, the City Council has examined the proposed notice to bidders, special provisions-assessment program, general conditions of agreement, form of construction contract, form of payment bond, form of performance and guaranty bond, and other contractual documents; and the City Council desired to approve such documents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEELER:

1. That the plans, specifications, special provisions, notice to bidders, general conditions of agreement and other contractual documents prepared by the City Engineer for the improvement of the streets, or portions thereof, ordered to be improved by ordinance duly passed and approved by the City Council of the City of Wheeler on the 17th day of July, 1978, and the same are hereby approved, and the City Secretary is hereby authorized and instructed to endorse on a copy of such plans, specifications and contractual documents which shall be kept on file at her office the words, "approved by ordinance of the City Council passed on the 21st day Of August, 1978." It is hereby ordered that such improvements as shown on such plans be constructed in accordance with said plans and specifications subject to conditions contained in the special provisions of the contractual documents which special provisions are herein specifically approved, and subject to the terms and provisions of the aforementioned ordinance of July 17, 1978.

2. That the Mayor shall give notice to bidders of the time when and the place where the proposed contract or contracts shall be let by publishing a note substantially in the form found in the proposed contractual documents, headed "Notice to Bidders," which notice shall be published in newspaper published and of general circulation in the City of Wheeler at least once a week for three consecutive weeks prior to the time hereinafter set for the opening of bids and the letting of such contract, and the date of first publication of which shall be at least twenty-one days

prior to the date so set for the opening of bids and the letting of said contract. The Mayor may give such other and additional notice as the City Engineer shall deem necessary and reasonable.

3. Sealed bids shall be received until 2:00 p.m. on the 2nd day of October, 1978, at which time they shall be opened and considered by the City Council of the City of Wheeler, at the City Hall and at which time or as soon thereafter as practical the contract shall be let.

4. The successful contractor shall pay or cause to be paid the prevailing wage rates in the locality of Wheeler, Texas and work and services to be performed hereunder as to craft or type of workman or mechanics needed to execute this contract.

5. The fact that the streets and portions thereof to be improved as herein provided for are in bad and dangerous condition and should be improved without delay creates an emergency and an public peace, health, safety and general welfare, requiring that requiring that the rule requiring more than one reading, or prohibiting the taking effect of said ordinance on the day of passage, be and the same is hereby suspended; and this ordinance shall be passed and take effect as an emergency measure and be in full force from and after its passage as provided by law, and it is so ordained.

PASSED this 21st day of August,
1978, by an affirmative vote of four-
fifths (4/5ths) or more of the City
Council.

ATTEST:

Mildred Ramsey
City Secretary

APPROVED this 21 day of August
1978.

O. B. Burton
Mayor