

JAN 21 2008

ORDINANCE NO. 2625

  
City Clerk

**AN ORDINANCE TO ALLOW A THIRD AMENDMENT  
TO A PUBLIC WORKS ENGINEERING AGREEMENT  
DATED NOVEMBER 14, 2005 BETWEEN HORNER &  
SHIFRIN, INC. FOR THE DESIGN AND  
CONSTRUCTION ENGINEERING SERVICES  
REQUIRED FOR THE CONSTRUCTION OF THE FISH  
LAKE INTERCHANGE ON FEDERAL HIGHWAY I-255  
IN THE CITY OF COLUMBIA, ILLINOIS**

WHEREAS, the City of Columbia, Illinois (the "City") made and entered into a Public Works Contract on November 14, 2005 to employ Horner & Shifrin, Inc. to provide the engineering and related services required for the location and construction of a highway interchange at or near the Fish Lake Overpass on Federal Aid Highway I-255 in the City and in conjunction therewith the City made and entered into an Indemnity Agreement with Columbia Crossing, LLC, to require that said developer will make all payments due from the City under said Public Works Contract with Horner & Shifrin, Inc. and made and entered into an agreement with Horner & Shifrin, Inc., whereby said engineering company agreed to rely upon said developer for the payments due under the Public Works Contract and to release the City from any liability or obligation to pay the same except for payments the City would receive from the developer to be used for the payments due Horner & Shifrin, Inc. under said Public Works Contract.

WHEREAS, the developer has requested and Horner & Shifrin, Inc. has provided and is providing additional engineering and construction related services under said Public Works Contract which require an amendment of the original November 14, 2005 Public Works Contract; and,

WHEREAS, it is necessary and appropriate that the City shall enact this Ordinance to authorize an amendment to said Public Works Contract between Columbia Crossing, LLC, and the City in order to increase the scope of services and work involved in said Public Works Contract and to increase the payments due under said contract; and for the purpose of approving the form of the said amendments.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

**Section 1.** The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

**Section 2.** The Third Amendment to the Public Works Contract aforesaid, being entitled "Exhibit 'F' – Amendment No. 3 to Agreement for Professional Services" which is attached hereto as Exhibit "1" and by reference made part hereof, which amendment adds an additional cost of Seven Thousand Five Hundred Dollars (\$7,500.00) to the amended Public Works Contract amount of One Million Four Hundred Ninety Six Thousand Eight Hundred Sixty Dollars (\$1,496,860.00), and increases the contract price to One Million Five Hundred Four Thousand Three Hundred Sixty Dollars (\$1,504,360.00) and which amendment changes the Contract Completion Date to 6/30/08 is hereby authorized and approved as to form. The Mayor is hereby authorized and directed to execute the same, for and on behalf of the City, in as many counterparts as the Mayor shall determine; and, the City Clerk is hereby authorized and directed to attest the same and to affix thereto the corporate seal of the City.

**Section 3.** This Ordinance shall be in full force and effect, from and after its passage and approval, as provided by law.

Alderman Row moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Oberkfell, and the roll call vote was as follows:

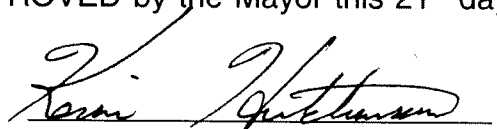
YEAS: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 21<sup>st</sup> day of January, 2008.

  
KEVIN B. HUTCHINSON, Mayor

ATTEST:

  
WESLEY J. HOEFFKEN, City Clerk

(SEAL)