er its passage and ap-
Mayor.
27, 1957.
FILLINGER,
President of Council.
ay 27, 1957.
NSENBRENNER, Mayor.

ROWN CAIN, City Clerk.

CE No. 732-57—To au-
appropriation of addi-
o Contract No. 5023 with
and Sons, Incorporated
on of Water, Department
vice.
oursuant to Ordinance
d March 11, 1957, the
bus entered into a con-
and solid repair sleeves
d Byers Wrought Iron
ntenance and extension
ater mains, and
mes B. Clow and Sons,
overshipped by 210 feet
alvanized Wrought Iron
original appropriation
o. 5023 will not permit
of the $163.80 covering
ment.
n emergency exists in
y operation of the Di-
er, Department of Public
at it is immediately nec-
propriate additional funds
No. 5023 with James B.
s, Incorporated in order
sion of Water may dis-
bligations without delay
mediate preservation of
peace, property and
therefore,
ed by the council of the
bus:
That the City Auditor be
reby authorized to in-
ct No. 5023 with James
Sons, Incorporated by an
ount of $163.80, the sum
cover the overshipment
2-inch Byers Galvanized
Pipe.
t the sum of $163.80 be
e is hereby appropriated
Works Fund No. 90, Code

for the reasons stated in
hereto, which is hereby
hereof, this ordinance is
ed an emergency measure
e effect and be in force
ter its passage and ap-
Mayor.
27, 1957.
J. FILLINGER,
President of Council.
lay 27, 1957.
ENSENBRENNER, Mayor.

BROWN CAIN, City Clerk.

NCE No. 733-57—To au-
Director of Public Serv-
into a Modification of
4523 with the Frysinger
Company, 3770 North High
bus, Ohio, "Relocation of
the Upper Valley of
t Creek."
Ordinance No. 365-56,
19, 1956, did authorize
of Public Service to en-
tract No. 4523 with the
nstruction Company for
n of roads in the Upper
tle Walnut Creek, and
flash flood on Monday,
carried a large amount
is to the intersection of
Rome Corners Road and
Taylors Corners Road
d the outlet through two
erts of a small stream
Little Walnut Creek
ing up the water to the
it stood more than two
r the intersection of the
entioned roads, and
the pavement and base
he intersection must be
replaced for a workman

the damage done was
n "Act of God" and the
reviously performing the
be held responsible for
epairing the damage, and

Whereas, an emergency exists in the usual daily operation of the Division of Water, Department of Public Service, in that it is immediately necessary to repair the damage done at the intersection of the Galena-Rome Corners Road and the Galena-Taylors Corners Road which damage was caused by a flash flood on Monday, May 20, 1957, for the preservation of the public peace, property, health and safety; now, therefore

Be it ordained by the council of the city of Columbus:

Section 1. That the Director of Public Service be and he is hereby authorized and directed to enter into a Modification of Contract No. 4523 by and between the City of Columbus, Ohio and the Frysinger Construction Company, 3770 North High Street, Columbus, Ohio, said Modification to read as follows:

"This modifying contract to Contract No. 4523 made and entered into this ..... day of ....., 1957, by and between the City of Columbus, Ohio, acting through its Director of Public Service, hereinafter called the "City," duly authorized by Ordinance No. 365-56, passed March 19, 1956, and the Frysinger Construction Company, 3770 North High Street, Columbus, hereinafter called the "Contractor," witnesseth, as follows:

Whereas, Ordinance No. 365-56, passed March 19, 1956, did authorize and direct the Director of Public Service to advertise for bids and enter into a contract for the relocation of highways and roads in the Upper Valley of Little Walnut Creek in Delaware County, Ohio, and

Whereas, The Frysinger Construction Company did well and faithfully perform the work to be done at the intersection of the Galena-Rome Corners Road and the Galena-Taylors Corners Road under the terms of Contract No. 4523 part of which work was destroyed by a flash flood on Monday, May 20, 1957, necessitating the removal and replacement of part of the pavement at the above mentioned intersection, said damage being the result of an "Act of God," and

This Modification of Contract No. 4523 is to provide for modification in amount of work for such items as listed below:

COST ESTIMATE

1.	Removing Trash, Lump Sum	$ 200.00
2.	Removing base course and top and bottom asphaltic courses (B-35, T-35 & B-20), Lump Sum	700.00
3.	Crusher Run (Temp. Road Repair) 40 c.y. @ $5.00	200.00
4.	Replacing B-20 360 s.y. @ 13.00	4,680.00
5.	Replacing B & T-35 30 c.y. @ 35.00	1,050.00
6.	Replacing Fill (Berms) 100 c.y. @ 1.25	125.00
7.	Removing & Replacing Guard Rail 50 l.f. @ 6.00	300.00
8.	Reseeding 835 s.y. @ 0.15	125.25
9.	Cleaning out Channel, Lump Sum	1,200.00
	ESTIMATED TOTAL	$8,580.25

The work to be done under this modification of contract shall consist of work outlined above and shall be paid for in accordance with the unit prices of Contract No. 4523 for an estimated aggregate amount of the additional lump sum of $8,580.25. All terms and conditions of the original Contract No. 4523 between the City and the Contractor and not specifically modified herein shall apply.

It is further understood and agreed that this modifying contract shall neither constitute a breach nor abrogate the original bond given to secure the performance of the original contract No. 4523, executed March 14, 1956.

The bonding company, The Western Casualty & Surety Company, agrees to provide a bond for the Contractor for this additional work.

The bonding company hereby consents to the alterations of Contract No. 4523, as provided herein and agrees that the same shall in no way be construed as a breach of the surety bond given and executed March 14, 1956, by said company to secure the satisfactory performance of said contract.

It is further understood and agreed by and between the City and the Contractor that as to all other work under the original Contract No. 4523, executed March 14, 1956, that the covenants, provisions, terms and conditions thereof shall be binding and that the only purpose of this modification of the contract is to provide for the expeditious completion of the additional work outlined in the foregoing of said contract."

Sec. 2. That the sum of $8,580.25, or as much thereof as may be necessary, be and the same is hereby appropriated from Water Works Enlargement Fund No. 20 to pay the cost of said modification.

Sec. 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor.

Passed May 27, 1957.
O. J. FILLINGER,
President of Council.
Approved May 27, 1957.
M. E. SENSENBRENNER, Mayor.
Attest:
AGNES BROWN CAIN, City Clerk.

AN ORDINANCE No. 734-57—To vacate the alley north of Starr avenue, extending from the west lines of lots No. 49 of Wooley's Second addition and No. 143 of J. F. Linton's Highland addition, to the second alley east of Cleveland avenue, and the second alley east of Cleveland avenue, extending from Starr avenue to the alley north of Starr avenue.

Whereas, petition, signed by the board of education of the city school district of Columbus, Ohio, owner of all lots and lands abutting upon the alley north of Starr avenue and the second alley east of Cleveland avenue, between specified points, was duly presented to this council, praying for and consenting to the vacation of said alleys, between the points named, and

Whereas, council, upon hearing, is satisfied that there is good cause for such vacations as prayed for in said petition, that they will not be detrimental to the general interests and ought to be made; now, therefore,

Be it ordained by the council of the city of Columbus:

Section 1. That the alley north of Starr avenue, extending from the west lines of lots No. 49 of Wooley's Second addition and No. 143 of J. F. Linton's Highland addition, to the east line of the alley east of Cleveland avenue, and the second alley east of Cleveland avenue, extending from the north line of Starr avenue to the south line of the alley north of Starr avenue, be and the same are hereby vacated.

Sec. 2. That the city of Columbus reserves the right to operate and maintain any and all sewers, water lines and any other public utilities owned by the city, and that the right is reserved to operate and maintain any other public utilities, if any, now existing on or in said alleys hereby vacated, and shall have the right to enter thereon at any time for the purpose of replacing, operating and maintaining the same.

Sec. 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed May 27, 1957.
O. J. FILLINGER,
President of Council.
Approved May 27, 1957.
M. E. SENSENBRENNER, Mayor.
Attest:
AGNES BROWN CAIN, City Clerk.

AN ORDINANCE No. 735-57—To authorize a modification of contract No. 4992, with Robert J. Dienst & son, for the improvement of Haddon road, Scottwood road, Stafford place and Sherbrooke place, between specified limits.