

AN ORDINANCE **97832**

APPROVING FIELD ALTERATION NO. 6 IN THE INCREASED AMOUNT OF \$8,961.46 PAYABLE TO CLARK CONSTRUCTION COMPANY, INC. IN CONNECTION WITH THE 2003 ASPHALT RECYCLING AND OVERLAY STREET MAINTENANCE PROJECT, LOCATED IN COUNCIL DISTRICT 7; ACCEPTING \$8,961.46 FROM THE RESIDENTS OF THE ESTATES OF MISTY OAKS SUBDIVISION TO FUND THIS FIELD ALTERATION; AND PROVIDING FOR PAYMENT.

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WHEREAS, Ordinance No. 97232 passed and approved on February 20, 2003 awarded a construction contract to **Clark Construction Company, Incorporated** in the amount of \$1,610,601.45 in connection with the Asphalt Recycling and Overlay - 2003 Street Maintenance Project; and

WHEREAS, Field Alteration No. 6 provides for the additional work related to the paving of Misty Cove, a private street from Misty Cove cul-de-sac to Clyde Dent; and

WHEREAS, members of the Estates of Misty Oaks Subdivision Association have executed the Indemnity Agreement attached hereto as **Attachment I**; and

WHEREAS, previous Field Alterations totaled \$279,727.52 and Field Alteration No. 6, which is being funded by the residents of the Estates of Misty Oaks Planned Unit Development, will increase the contract by \$8,961.46 and adjust the total cost to \$1,899,290.43; and

WHEREAS, approval of this Ordinance is a continuation of City policy to implement annual street maintenance contracts on City streets as approved in the City's annual budget for Fiscal Year 2002-2003 and the FY 2003 Neighborhood Access and Mobility Program; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or her designee is authorized to execute an Indemnity Agreement between the City of San Antonio and the Estates of Misty Oaks, a copy of which is attached hereto and incorporated herein as **Attachment I**.

SECTION 2. The City Manager or her designee is hereby authorized to execute Field Alteration No. 6 in the amount of \$8,961.46 to the contract with **Clark Construction Company, Incorporated**. Said contract was approved on February 20, 2003 pursuant to Ordinance No. 97232 in connection with the Asphalt Recycling and Overlay - 2003 Street Maintenance Project. A copy of Field Alteration No. 6 is attached hereto and incorporated herein for all purposes as **Attachment II**.

SECTION 3. Budgeted Revenues in the amount of \$8,941.46 is authorized to be established in Fund No. 40-002032, 2003 Asphalt Recycling & Overlay 2003 Str Maint Project. Revenue Index Code 081927, entitled "Contribution-Misty Cove Planned Unit Subdivision", shall be increased upon reimbursement of the project.

SECTION 4. The amount of \$8,941.46 is appropriated in Fund 40-002032, 2003 Asphalt Recycling & Overlay 2003 Str Maint Project, in Index Code 742767, entitled "Construction Contract", and is authorized to be encumbered and made payable to **Clark Construction Company, Incorporated**, in connection with the Asphalt Recycling and Overlay 2003 Street Maintenance Project.

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

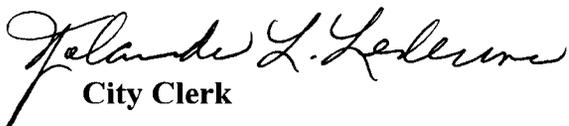
SECTION 6. This ordinance shall take effect on the 6th day of July 2003.

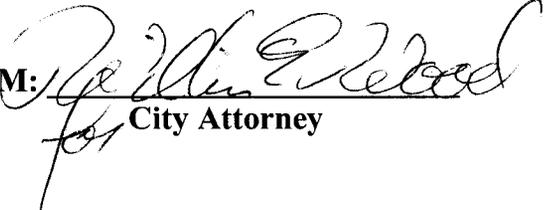
PASSED AND APPROVED this 26th day of June, 2003.



M A Y O R

EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney