

ORDINANCE NO. 77-24

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOCAL PUBLIC AGENCY FEDERAL LOCAL-LET PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO CONSTRUCT THE STATE ROUTE 83 & STATE ROUTE 254 INTERSECTION IMPROVEMENT PROJECT, PID 111283 LOR SR 0254 05.66, AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Department of Transportation (ODOT) has studied and recommended certain safety improvements along the State Route 83 (Center Road) and State Route 254 (Detroit Road) corridors in the vicinity of the Center Road & Detroit Road intersection; and

WHEREAS, the ODOT safety study determined that there were 205 crashes along these corridors in the years 2015, 2016, and 2017, with several sections and intersections ranking high on ODOT's Highway Safety Improvement Program, as well as NOACA's Regional Safety Priority listing; and

WHEREAS, the National Transportation Act has made available certain Federal funding for use by local public agencies. The Federal Highway Administration (FHWA) designated ODOT as the agency in Ohio to administer FHWA's Federal funding programs; and

WHEREAS, Section 5501.03 (D) of the Ohio Revised Code (ORC) provides that ODOT may coordinate its activities and enter into contracts with other appropriate Local Public Agencies (LPAs) to administer the design, qualification of bidders, competitive bid letting, construction, inspection, and acceptance of any projects administered by ODOT, provided the administration of such projects is performed in accordance with all applicable Federal and State laws and regulations with oversight by ODOT; and

WHEREAS, the widening of intersection of State Routes 254 and 83 as defined in the LPA Federal Local-Let Project Agreement, attached hereto as [EXHIBIT A](#), is a transportation activity eligible to receive Federal funding; and

WHEREAS, the purpose of this Project Agreement is to set forth requirements associated with the Federal funds available for the State Route 83 & State Route 254 Intersection Improvement Project (PID No. 111283, LOR SR 0254 05.66) and to establish the responsibilities for the local administration of said project; and

WHEREAS, the project includes: improvements to the Healthway Drive, French Creek Square, Old Center Road, Avon Commons Drive, and City Centre intersections; the addition of a through lane on Detroit Road from 580 feet west of Healthway Drive to 800 feet east of Avon Commons Drive; the addition of a through lane on Center Road from 1,270 feet south of Detroit Road to 800 feet north of Detroit Road; the widening of the Detroit Road and Center Road intersection to accommodate a dedicated right turn lane in all directions, two dedicated left turn lanes on Center Road in both directions, two dedicated left turn lanes on Detroit Road in the east direction, one dedicated left turn lane on Detroit Road in the west direction, and the installation of a traffic signal system at the State Route 83 & City Centre West Drive intersection; the installation of visibility countermeasures and emergency vehicle preemption; and all appurtenances thereto; and

WHEREAS, the City of Avon was awarded \$4,616,000 in ODOT Safety Program funds

and a \$1,500,000 Congressional Earmark to assist with the construction costs in the estimated \$9,033,145.65 of construction and construction administration costs, see page 17 of 18 within Exhibit A for a construction cost summary; and

WHEREAS, ODOT has established an estimated project schedule that currently includes a plan file date of February 2, 2025, a project sale date of April 1, 2025, a project construction start date of August 1, 2025, and a project construction completion date of October 31, 2026; and

WHEREAS, the City of Avon is responsible for 100% of preliminary and detailed engineering costs estimated at **One Million Seventy Thousand and 00/100 Dollars** (\$1,070,000), 100% of right of way services costs estimated at **One Hundred Sixty-Two Thousand Seven Hundred Twenty and 00/100 Dollars** (\$162,720), 100% of right of away acquisition costs estimated at **Seven Hundred Nine Thousand and 00/100 Dollars** (\$709,000), 100% of construction engineering costs, and 100% of all costs above the federal construction maximum for a total estimated project cost of **Ten Million Nine Hundred Seventy-Four Thousand Eight Hundred Sixty-Five and 65/100 Dollars** (\$10,974,865.65), with a federal share of **Four Million Six Hundred Sixteen Thousand and 00/100 Dollars** (\$4,616,000), congressional earmark of **One Million Five Hundred Thousand and 00/100 Dollars** (\$1,500,000), and a local share of **Four Million Eight Hundred Fifty-Eight Thousand Eight Hundred Sixty-Five and 65/100 Dollars** (\$4,858,865.65); and

WHEREAS, at this time the Ohio Department of Transportation has requested the Avon City Council acknowledge its responsibilities to serve as the contractual agent for and complete the State Route 83 & State Route 254 Intersection Improvement Project (PID No. 111283, LOR SR 0254 05.66) in accordance with applicable state and federal laws via the execution of the LPA Federal Local-Let Project Agreement, attached hereto as EXHIBIT A, with all said work to be completed in accordance with the conditions set forth as described and as noted in the attached; and

WHEREAS, ODOT defined Stage 2 and Right-of-Way plans for the State Route 83 & State Route 254 Intersection Improvement Project (PID No. 111283, LOR SR 0254 05.66) are on file with the Avon City Council Clerk; and

WHEREAS, Council has determined that it is in the best interests of the health, safety, and welfare of the citizens of Avon to authorize the Avon Mayor to execute the attached LPA Federal Local-Let Project Agreement and proceed with the construction of the State Route 83 & State Route 254 Intersection Improvement Project (PID No. 111283, LOR SR 0254 05.66) within the municipality.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 – The City of Avon City Council agrees to and authorizes the Mayor to execute the LPA Federal Local-Let Project Agreement, attached hereto as EXHIBIT A, to serve as the contractual agent for the subject project, and to proceed with the construction of the State Route 83 & State Route 254 Intersection Improvement Project (PID No. 111283, LOR SR 0254 05.66) in accordance with applicable state and federal laws and procedures as defined in the Project Agreement.

Ordinance No. 77-24 (Con't)

Section 2 - That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Ordinance were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to execute the LPA Federal Local-Let Project Agreement, attached hereto as EXHIBIT A, for the State Route 83 & State Route 254 Intersection Improvement Project (PID No. 111283, LOR SR 0254 05.66), to begin the project at the earliest possible date; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Avon Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
Electronically and at City Hall as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director