

ORDINANCE NO. 37-25

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOCAL PUBLIC AGENCY FEDERAL LOCAL-LET PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO CONSTRUCT THE STATE ROUTE 83 SIDEWALK INSTALLATION PROJECT (LOR 83 -16.76, PID 119934), AND DECLARING AN EMERGENCY

WHEREAS, the City of Avon applied for and was awarded a Systematic Safety Grant by the Ohio Department of Transportation (ODOT) to install sidewalks along State Route 83 (Center Road) between Kinzel Road and Falcon Crest Avenue, said project being known as the State Route 83 Sidewalk Project and also as Ohio Department of Transportation (ODOT) LOR 83-16.76, designated as PID 119934; 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 installation of sidewalks, pedestrian bridges, and appurtenances thereto along State Route 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 Sidewalk Installation Project (PID No. 119934, LOR SR 0083 16.76) and to establish the responsibilities for the local administration of said project; and

WHEREAS, the City of Avon was awarded a grant to cover 90 percent of project eligible costs up to a maximum of \$2,000,000 in ODOT Systemic Safety Program funds for a project estimated to cost \$2,817,145.65 (construction and construction administration costs, see page 2 of 16 within Exhibit A for funding specifics); 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 Sidewalk Installation Project (PID No. 119934, LOR SR 0083 16.76) 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 attachment; 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 Sidewalk Installation Project (PID No. 119934, LOR SR 0083 16.76) 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 – Avon City Council agrees to and authorizes the Avon Mayor to execute the LPA Federal Local-Let Project Agreement, attached hereto as EXHIBIT A and incorporated herein by this reference, to serve as the contractual agent for the subject project, and to proceed with the construction of the State Route 83 Sidewalk Installation Project (PID No. 119934, LOR SR 0083 16.76) in accordance with applicable state and federal laws and procedures as defined in the Project Agreement.

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.

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 for the State Route 83 Sidewalk Installation Project (PID No. 119934, LOR SR 0083 16.76), to the extents described therein; 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

Ordinance No. 37-25 (Con't)

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places, as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director