

ORDINANCE NO. 105-25

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
AN AGREEMENT WITH ENVIRONMENTAL DESIGN GROUP TO
ACQUIRE PERMANENT DRAINAGE EASEMENT AND TEMPORARY
CONSTRUCTION EASEMENTS SERVICES FOR
THE FRENCH CREEK GREENWAY PHASE 1 PROJECT
AND DECLARING AN EMERGENCY**

WHEREAS, Avon City Council recognizes the health, safety, and welfare benefits to its citizens that come from the promotion of alternative modes of transportation including walking and bicycling; and

WHEREAS, the City of Avon via the Northeast Ohio Areawide Coordinating Agency's (NOACA) Transportation for Livable Communities Initiative (TLCI) Planning Grant Program continues to work in concert with the Village of Sheffield and the Lorain County Metro Parks to finalize The Avon/Sheffield Village - Bicycle and Pedestrian Master Plan as part of an Active Transportation Initiative for all of Avon and the northeast portion of Sheffield that identifies and plans for a network of trails and other infrastructure improvements that will provide safe alternatives to motor vehicle transportation throughout the study area; and

WHEREAS, the TLCI Program provides federal funds for projects that integrate transportation and land use planning, increase transportation options, promote livability, and advance the goals of NOACA's Strategic Plan for northeast Ohio; and

WHEREAS, the Bicycle and Pedestrian Master Plan has identified the spine of the Avon trail network, to be known as the French Creek Greenway, that when fully constructed, will provide an alternate transportation link between key community resources such as parks, schools, health care facilities and commercial areas throughout Avon; and

WHEREAS, the City of Avon, with the assistance of its State Senator and Ohio House Representative, was successful in securing grant funding that can be utilized for the French Creek Greenway Phase 1 Project via the State Capital Budget, with such grant funds being administered by the Ohio Department of Natural Resources; and

WHEREAS, the City Engineer sought out proposals for easement acquisition services to secure needed easement areas at various locations along the French Creek Greenway Phase 1 project area and a valid response for such services was received from Environmental Design Group (EDG); and

WHEREAS, the EDG proposal was reviewed by the City Administration who found the cost proposal to be responsive to the project scope and reflective of unit task rates in line with similar services performed for other similar municipal projects; and

WHEREAS, City Council has reviewed the contract for professional easement acquisition related services submitted by Environmental Design Group and finds the proposal to be in the best interests of the health, safety, and welfare of the citizens of Avon in facilitating the acquisition of property rights needed for the construction of the French Creek Greenway Phase 1 Project together with all appurtenances thereto.

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

Section 1 - That the Avon City Council declares the necessity to acquire permanent drainage and temporary construction easements for areas as defined in plans for the French Creek Greenway Phase 1 Project as prepared by the City Engineer in conjunction with Chagrin Valley Engineering, Ltd.

Section 2 - That the Mayor is hereby authorized to execute a contract with Environmental Design Group for said easement acquisition services related to the French Creek Greenway Phase 1 Project together with all appurtenances thereto, in substantially the form as set forth in the attached [Exhibit A](#), which when finalized, shall both be incorporated herein and made a part of this Ordinance.

Section 3 - Payment in the amount up to **Seventy-Three Thousand Four Hundred Twenty-Five Dollars and 00/100 Cents (\$73,425.00)** to Environmental Design Group shall be made from the French Creek Greenway Fund No. 413 in said amount. The Finance Director is further authorized to increase this appropriation by a reasonable amount for engineering and legal fees associated with this project.

Section 4 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such 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 5 - 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 meet project milestone dates established by the Ohio Department of Natural Resources for the noted project and its associated requirements; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the 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 J. Brooks, Clerk of Council

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

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