

ORDINANCE NO. 113-25

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOCAL PUBLIC AGENCY FEDERAL LOCAL-LET PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO CONSTRUCT THE CHESTER ROAD RESURFACING PROJECT ALSO KNOWN AS THE LOR MR 4313-0.33 (PID 120604) PROJECT AND DECLARING AN EMERGENCY

WHEREAS, the City of Avon was awarded a grant by the Northeast Ohio Areawide Coordinating Agency (NOACA) to resurface a portion of Chester Road between Chester Industrial Parkway and American Way West, as depicted in the attached EXHIBIT A, said project being known as the Chester Road Resurfacing Project and known as LOR MR4313-0.33 PID 120604; and

WHEREAS, NOACA utilized Ohio Department of Transportation Pavement Condition Rating (PCR) data to determine that the identified portion of Chester Road, which is designated as a Federal Aid Route, was in need of asphalt resurfacing; 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 asphalt resurfacing of roadways and appurtenances thereto along a portion of Chester Road depicted in EXHIBIT A and as defined in the LPA Federal Local-Let Project Agreement, attached hereto as EXHIBIT B, is a transportation activity eligible to receive Federal funding; and

WHEREAS, NOACA approached the City of Avon and offered to facilitate such an asphalt resurfacing project by allocating Federal Highway Funds to pay for **80%** of the resurfacing costs up to a maximum amount of **Seven Hundred Thirty-Four Thousand Eight Hundred Fourteen Dollars and 00/100 Cents (\$734,814.00)**, with the City of Avon using local funds to pay for the remainder of the project costs; 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 Chester Road Resurfacing Project also known as LOR MR4313-0.33 PID 120604 in accordance with applicable state and federal laws via the execution of the LPA Federal Local-Let Project Agreement, attached hereto as EXHIBIT B, with all said work to be completed in accordance with the conditions set forth as described and as noted in the attached; 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 Chester Road Resurfacing Project also known as LOR MR4313-0.33 PID 120604 within the municipality.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, 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 B](#), to serve as the contractual agent for the subject project, and to proceed with the construction of the Chester Road Resurfacing Project, also known as LOR MR4313-0.33 PID 120604 (as depicted in the attached [EXHIBIT A](#)), in accordance with applicable state and federal laws and procedures as defined in the Project Agreement. Said EXHIBITS A & B, when finalized, shall be incorporated herein and made a part of this Ordinance.

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 meet established ODOT project milestone dates related to awarding the cited asphalt resurfacing project within the Federal 2026 Fiscal Year; 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

Ordinance No. 113-25 (Con't.)

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