

ORDINANCE NO. 64-16

**AN ORDINANCE TO AWARD A BID PURSUANT TO
OHIO REVISED CODE §735.051 TO CONSTRUCT/REPAIR THE
FRENCH CREEK RETAINING WALL ON JAYCOX ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, due to increased traffic, weather and soil conditions, a portion of Jaycox Road near Reigelsberger Road is in danger of collapsing into adjoining French Creek; and

WHEREAS, the situation has again become a matter of concern and the City's Service Director and Consulting Engineer recommend that action be taken immediately to avoid a potentially serious collapse of Jaycox Road; and

WHEREAS, the City's Engineer, the Service Director and other administrative personnel have recommended the hiring of BVC Erosion Control Systems at a cost of \$75,000.00; and

WHEREAS, Council deems it necessary to preserve the health, safety & welfare of the citizens of Avon that it authorize said contract to make repairs to the retaining wall forthwith, without advertising for competitive bids, pursuant to authority in ORC §735.051; and

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

Section 1 - The bid submitted by BVC Erosion Control Systems in the amount of Seventy-Five Thousand Dollars and 00/100 Cents (\$75,000.00) is hereby accepted pursuant to ORC §735.051, the emergency being the imminent collapse of Jaycox Road in the event action is not taken immediately. (See Exhibit A) The Finance Director is hereby authorized to pay the cost of this contract and any incidental engineering and/or legal expenses associated with this project from Street Department Fund No. 201.

Section 2 - 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 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 award the contract for repairs to the retaining wall in French Creek along Jaycox Road near Riegelsberger Road in as timely a manner as possible; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

Ordinance No. 64-16 (Con't)

By: _____
Craig L. Witherspoon, Council President

APPROVED BY THE MAYOR: _____

APPROVED AS TO FORM: _____
Bryan K. Jensen, Mayor

John A. Gasior, Law Director

ATTEST:

Ellen R. Young, Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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