

## **ORDINANCE NO. 81-19**

### **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH O.R. COLAN ASSOCIATES, LLC TO PERFORM PROFESSIONAL REAL ESTATE EASEMENT ACQUISITION SERVICES FOR THE ELIZABETH AVENUE, PUTH DRIVE, JOSEPH STREET AND DETROIT ROAD SANITARY SEWER IMPROVEMENT PROJECT, PHASE 2 AND DECLARING AN EMERGENCY**

**WHEREAS**, the City is in need of providing sanitary sewer service to all properties along Elizabeth Avenue, Puth Drive, Joseph Street pursuant to an Ohio EPA Consent Agreement, Ord. No. 37-13, passed April 1, 2013; and

**WHEREAS**, pursuant to Ordinance No. 27-18, passed April 9, 2018 Bramhall Engineering & Surveying Company (Bramhall) has prepared engineered construction plans and specifications to install a sanitary sewer system, a new watermain distribution system and intermittent storm drainage improvements along Elizabeth Avenue, Puth Drive, Joseph Street (EPJ) and an adjacent section of Detroit Road; and

**WHEREAS**, Bramhall has identified twenty permanent easement areas along Detroit Road whose acquisition is necessary to construct the improvements noted in the Bramhall construction plans; and

**WHEREAS**, the City Engineer developed scope of work and secured two independent proposals for the provision of real estate easement acquisition services to appraise, perform title work, negotiate and purchase the twenty needed sanitary sewer easement areas; and

**WHEREAS**, the City Engineer is also preparing plans and specifications to add a center turn lane to Detroit Road in the same vicinity as the upcoming EPJ improvements which will also need highway easement rights acquired over the same twenty properties for the placement of sidewalks, drainage improvements, fire hydrants, utility poles, appurtenances, etc.; and

**WHEREAS**, the City Engineer requested a cost of services from both companies who submitted real estate acquisition proposals for performing said services for Permanent Sanitary Sewer Easements and for Permanent Highway Easements in relation to the same twenty proposed easement areas; and

**WHEREAS**, a memorandum providing a summary of the proposals received is attached and marked as "Exhibit A"; and

**WHEREAS**, the City Engineer has reviewed the two proposals and given the dual purpose the acquisition of the twenty easements as highway easements would provide in conjunction with the relatively minor additional cost, recommends that City Council authorize the Mayor to enter into a contract with O.R. Colan Associates, LLC to provide real estate services to acquire permanent highway easements; and

**WHEREAS**, City Council, having reviewed the two proposals submitted finds that O.R. Colan Associates, LLC. is best suited to provide real estate easement acquisition services for the EPJ project and furthermore that all easements needed along Detroit Road shall be defined as

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highway easements to facilitate the installation of center turn lanes along Detroit Road, all of which is in the best interests of the health, safety and welfare of the citizens of Avon.

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

Section 1 - That City Council hereby authorizes the hiring of O.R. Colan Associates, LLC to perform the necessary real estate acquisition services for the acquisition of permanent highway easements along Detroit Road that are required to construct the Elizabeth Avenue, Puth Drive & Joseph Street Sanitary Sewer Improvement Project Phase 2, pursuant to the proposal submitted by said firm, the final contract to be approved by the Law Director and signed by the Mayor.

Section 2 - Payment in the amount of Seventy Eight Thousand, Eight Hundred Eighty Dollars (\$78,880.00) shall be made from the Joseph, Puth, Elizabeth Sanitary Sewer Improvement Project Phase 2 Fund No. 436. Council authorizes the Finance Director to advance funds in the amount of Seventy Eight Thousand, Eight Hundred Eighty Dollars (\$78,880.00) from the Sanitary Sewer Replacement and Depreciation Fund No. 406 to meet the obligations incurred under the terms of this proposal. Further, the Finance Director is authorized to appropriate and advance funds from Fund No. 406 to Fund No. 436 by a reasonable amount for additional engineering and/or legal services associated with this project.

Section 3 - 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 4 - 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 obtain real estate easement acquisition services for the Elizabeth Avenue, Puth Drive & Joseph Street Sanitary Sewer Improvement Project Phase 2; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: \_\_\_\_\_ DATE SIGNED: \_\_\_\_\_

By: \_\_\_\_\_  
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: \_\_\_\_\_

\_\_\_\_\_  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

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John A. Gasior, Law Director

ATTEST:

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Barbara Brooks  
Clerk of Council

Posted: \_\_\_\_\_  
In Five Places as  
Provided by Council

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