

ORDINANCE NO. 14-20

AN ORDINANCE DETERMINING TO PROCEED WITH THE CITY IMPROVEMENTS OF (1) FRENCH CREEK ROAD BY CONSTRUCTION OF AN APPROXIMATELY 2,400-FOOT SANITARY SEWER FROM 38151 FRENCH CREEK ROAD TO 37556 FRENCH CREEK ROAD, AND (2) CENTURY LANE BY THE CONSTRUCTION OF AN APPROXIMATELY 230-FOOT SANITARY SEWER, EACH TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO AND DECLARING AN EMERGENCY

WHEREAS, Council adopted Resolution No. R-8-19 on April 8, 2019 (the “Resolution of Necessity”), declaring it necessary to (a) improve French Creek Road in the City by the construction of an approximately 2,400-foot sanitary sewer from 38151 French Creek Road to 37556 French Creek Road, including the removal from service of an existing outdated sanitary sewerage pump station and associated force main, and (b) improve Century Lane in the City by the construction of an approximately 230-foot sanitary sewer that will connect an existing sanitary sewer on Century Lane south of Detroit Road beginning near 37889 Detroit Road to an existing sanitary sewer on Century Lane north of Detroit Road at 3004 Century Lane, each together with all necessary appurtenances and related improvements thereto (collectively, the “Improvements”); and

WHEREAS, in accordance with Section 727.13 of the Ohio Revised Code, the Clerk of Council caused notice of the adoption of the Resolution of Necessity and the filing of estimated assessments with respect to a portion of the costs of the Improvements to be served on the owners of all lots and lands to be assessed; and

WHEREAS, the City advertised for bids (the “Initial Advertisement”) in accordance with Resolution No. R-15-19, passed on May 20, 2019, for the construction of the Improvements, and City Council rejected each of the two bids received in Ordinance No. 108-19, passed on December 2, 2019; and

WHEREAS, the City re-advertised for bids in accordance with Resolution No. R-33-19, passed on December 9, 2019, and the lowest and best bid resulting from such re-advertisement was more advantageous to the City than the results of the Initial Advertisement; however, the lowest and best bid for labor and materials for the Improvements exceeded the estimated costs for such labor and materials as filed in the office of the Clerk of this Council before the adoption of the Resolution of Necessity by 15 percent or more; and

WHEREAS, in accordance with Section 727.24 of the Ohio Revised Code, the City provided notice in a newspaper of general circulation of a public hearing on the question of whether the Improvements should be made at least 48 hours prior to such hearing which was held on January 27, 2020 at 7:20 p.m.; and

WHEREAS, Council has heard the owners of property to be assessed in accordance with the Resolution of Necessity and has reviewed to lowest and best bid for labor and materials for the Improvement;

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

Section 1 – That after hearing the owners of property to be assessed in connection with the Improvements as required by law and after reviewing the lowest and best bid for labor and materials for the Improvements, Council hereby determines to proceed with the Improvements.

Section 2 – The Improvements shall be made in accordance with the provisions of the Resolution of Necessity, and with the plans, specifications, estimate of cost and profiles heretofore approved and now on file in the office of the Clerk of this Council.

Section 3 – That no claims for damages resulting from the proposed Improvements have been legally filed.

Section 4 – That portion of the cost provided in the Resolution of Necessity to be assessed shall be assessed in the manner and the number of installments provided in said resolution and on the lots and land described therein.

Section 5 – That the estimated assessments heretofore prepared and filed in the office of the Clerk of Council be and the same are hereby adopted.

Section 6 – The Clerk of this Council is hereby directed to deliver a certified copy of this ordinance to the County Auditor within 15 days after its passage.

Section 7 – The Mayor is hereby authorized and directed as soon as the funds therefor are available to make and sign a contract for the Improvements with the lowest and best bidder.

Section 8 – This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed 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 action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 9 – This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that the immediate construction of the Improvements is necessary to protect the health and property of the abutting and adjacent property owners; therefore, this resolution shall be in full force and effect immediately upon its passage and approval by the Mayor or after the earliest period allowed by law.

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 Brooks
Clerk of Council

Posted: _____
In Five Places, as
Provided by Council

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