

ORDINANCE NO. 53-20

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BRAMHALL ENGINEERING & SURVEYING COMPANY TO PERFORM PROFESSIONAL OBSERVATION SERVICES, CONSTRUCTION STAKING AND CERTAIN CONSTRUCTION ADMINISTRATION SERVICES FOR THE CITY OF AVON ON THE ELIZABETH AVENUE, PUTH DRIVE, JOSEPH STREET AND DETROIT ROAD SANITARYSEWER 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, in 2014 the Bramhall Engineering & Surveying Company (Bramhall) contracted with the City to prepare the preliminary construction plans to install sanitary sewers along Elizabeth Avenue, Puth Drive & Joseph Street (EPJ), a new water main along Puth Drive and new water main, storm sewer and sanitary sewer along East Jaycox Road; and

WHEREAS, the 2014 Bramhall plans for the EPJ sanitary sewer directed all sanitary sewer flows to the only available connection point which was just east of the Jaycox Road and Detroit Road Intersection along Detroit Road in the Jaycox Sanitary Sewer District; and

WHEREAS, the 2014 proposed sanitary sewer route along Detroit Road required the sanitary sewer to be installed deep enough to service the eastern limits of the Jaycox Sanitary District at 36008 Detroit Road and go under an existing storm sewer culvert at 34710 Detroit Road; and

WHEREAS, the 2014 proposed sanitary sewer was designed to be installed at such an elevation throughout the project limits so that gravity sanitary sewer service could be provided to the adjacent residential basements; and

WHEREAS, since 2014 the Avon Administration has investigated several options to reduce the anticipated cost of the project including the utilization of a request to modify the boundary line between the Jaycox and Nagel Sanitary Sewer Districts; and

WHEREAS, Sitetech, Inc., a residential developer of land, has received the necessary approvals and entered into a Subdivider's Agreement, Ordinance 21-17, to develop a subdivision of land to be known as the West Wickham Subdivision on acreage it owns in an area along the western edge of the Nagel Road Sanitary Sewer District as revised by Ordinance 89-16; and

WHEREAS, David A. and Kimberly A. Horwedel and Roy A. and Norma A. James own land on the north side of Detroit Road that abuts the southern end of the proposed West Wickham Subdivision where temporary and permanent easements were established via Ord. 8-17 which allow for the City of Avon to make a sanitary sewer connection from the West Wickham Subdivision to the Detroit Road Right-of-Way; and

WHEREAS, the connection from the West Wickham Subdivision to the Detroit Road Right-of-Way is known as the Elizabeth Avenue, Puth Drive, Joseph Street & Detroit Road Sanitary Sewer Project, Phase 1; and

WHEREAS, the installation of the West Wickham Subdivision has provided new cost-efficient opportunities to split sanitary sewer flow from the EPJ area between the Jaycox and Nagel Sanitary Districts via an additional easterly route along Detroit Road as opposed to all such flows being directed westerly along Detroit Road to the Jaycox Sanitary District; and

WHEREAS, the Administration has also determined that in order to reduce project costs the proposed sanitary sewer will be installed at an elevation to serve the current septic line conduit elevation at the point at which it exits in each structure, not at an elevation that serves all adjacent basements; and

WHEREAS, the inclusion of improvements to East Jaycox Road increase project costs in a manner disproportionate to the increase of assessed property owners; and

WHEREAS, the Service Director and the Utility Superintendent are of the opinion that it would be prudent to replace the existing asbestos cement lined water lines on Elizabeth and Joseph during the proposed project not just those on Puth in order to minimize future inconvenience to the residents; and

WHEREAS, the Service Director and the Roadway Superintendent are of the opinion that it would be prudent to replace the certain storm sewer improvements within the project area in order to improve drainage and thus minimize future inconvenience to the residents; and

WHEREAS, the City Engineer developed a revised project scope and secured a proposal for engineering and surveying services from Bramhall that seeks to incorporate all of the revisions noted herein into a new set of construction plans and specifications so that the City of Avon may proceed with securing needed approvals, establishment of cost assessments, public involvement and the completion of improvements; and

WHEREAS, the City Council passed Ordinance No. 27-18 on March 26, 2018 which authorized Bramhall to modify the previous project plans in a manner to incorporate the revised project scope as noted herein; and

WHEREAS, the City Council passed Resolutions R-22-19 and R-23-19 on September 9, 2018 declaring the necessity to improve EPJ and certain areas of Detroit Road and the intent to appropriate easement areas along Detroit Road respectively; and

WHEREAS, the City Council passed Resolution R-9-20 on March 9, 2020 which authorized the public bid of the Elizabeth Avenue, Puth Drive, Joseph Street and Detroit Road Sanitary Sewer Improvement Project, Phase 2 (EPJD Project); and

WHEREAS, the City Council passed Ordinance No. 50-20 on May 26, 2020 which awarded a construction contract in response to a public bid received by Underground Utilities, Inc. to construct the EPJD Project; and

WHEREAS, the City Engineer sought and obtained a proposal from Bramhall for certain Professional Services needed to complete the EPJD Project including Construction Observation, Construction Survey Staking and Certain Project Administration services; and

WHEREAS, Council as a whole, having reviewed said proposal submitted by Bramhall finds its staff to be well-suited to perform the professional engineering and surveying services required for the completion of this project and that retaining their services will be 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 upon the recommendation of the Administration, Avon City Council hereby authorizes the hiring of Bramhall Engineering & Surveying Company to perform Professional Observation services, Construction Staking and Certain Project Administration services on the Elizabeth Avenue, Puth Drive & Joseph Street Sanitary Sewer Improvement Project, Phase 2, pursuant to the proposal submitted by said firm in substantially the same form as that which is set forth in Exhibit A and incorporated herein by reference, the final contract to be approved by the Law Director.

Section 2 – The Finance Director is hereby authorized to make payment pursuant to said proposal in the amount of One Hundred Eighty-Seven Thousand, Five Hundred, Sixty (\$187,560.00) Dollars from the Elizabeth, Puth & Joseph Sanitary Sewer Improvement Project Fund No. 436.

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 perform Professional Observation services and Construction Staking services on 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.

Ordinance No. 53-20 (Con't)

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