

ORDINANCE NO. 80-21

AN ORDINANCE AUTHORIZING THE DEVELOPMENT OF ENGINEERING PLANS AND SPECIFICATIONS FOR THE INSTALLATION OF AN ASPHALT MULTI-USE TRAIL BETWEEN THE SHEFFIELD MUNICIPAL BOUNDARY AND DETROIT ROAD IN CONJUNCTION WITH A TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE (TLCI) IMPLEMENTATION GRANT AND DECLARING AN EMERGENCY

WHEREAS, Avon City Council recognizes the health, safety and welfare benefits to its citizens that come from the promotion of alternative modes of transportation including walking and bicycling; and

WHEREAS, the City of Avon via the Northeast Ohio Areawide Coordinating Agency's (NOACA) Transportation for Livable Communities Initiative (TLCI) Planning Grant Program continues to work in concert with the Village of Sheffield and the Lorain County Metro Parks to finalize The Avon/Sheffield Village - Bicycle and Pedestrian Master Plan as part of an Active Transportation Initiative for all of Avon and the northeast portion of Sheffield that identifies and plans for a network of trails and other infrastructure improvements that will provide safe alternatives to motor vehicle transportation throughout the study area; and

WHEREAS, the TLCI Program provides federal funds for projects that integrate transportation and land use planning, increase transportation options, promote livability, and advance the goals of NOACA's Strategic Plan for northeast Ohio; and

WHEREAS, the Bicycle and Pedestrian Master Plan has identified the spine of the Avon trail network, to be known as the French Creek Greenway, that when fully constructed, will provide an alternate transportation link between key community resources such as parks, schools, health care facilities and commercial areas throughout Avon; and

WHEREAS, the NOACA TLCI program also offers opportunities for municipalities to seek grant funds to implement infrastructure improvements that were identified in previous TLCI planning efforts, such as the Avon Active Transportation Initiative; and

WHEREAS, the City of Avon passed Resolution R-29-19 on October 7, 2019, to apply for partial grant funding via NOACA's TLCI Implementation Program to help offset the cost to construct Phase 1 of the French Creek Greenway (Subject Project), estimated to be \$1,118,410.30, that will consist of a 10-foot wide asphalt multi-use trail along French Creek Road between the western municipal border and Detroit Road; and

WHEREAS, the City of Avon was successful in its grant pursuit and has received a commitment letter from NOACA dated April 6, 2020, pledging \$250,000 in grant funding through the TLCI Implementation Program to help offset the cost to construct Phase 1 of the French Creek Greenway, the letter from NOACA announcing the award is attached as Exhibit A; and

WHEREAS, upon the passage of Ordinance 74-20 the City Engineer reviewed the placement of the proposed path on both the south side and north side of French Creek Road and is recommending that Subject Project utilize the north side of French Creek Road as it provides a greater quantity of existing public right-of-way area, would not require a crossing of French Creek Road by path users and allows an easier connection to land being acquired by the Lorain County Metro Parks (Lustri Property); and

WHEREAS, the City of Avon has had numerous conversations with the Lorain County Metro Parks who has stated a willingness to enter into a use and right-of-way agreement for the Subject Project to include a route internally through the Lustri Property to reach the Avon Isle Community Center and thereby Detroit Road instead of the Subject Project reaching Detroit Road via French Creek Road east of the French Creek Road frontage of the Lustri Property; and

WHEREAS, a request to NOACA is needed to modify the scope of the Subject Project to replace the construction of pedestrian path along French Creek Road between the French Creek Road frontage of the Lustri Property and Detroit Road with the construction of a pathway internally through the Lustri Property to the Avon Isle Community Center; and

WHEREAS, the costs incurred for professional engineering and surveying services to develop plans and specifications are the full responsibility of the City of Avon; and

WHEREAS, NOACA acts as the designated recipient of United States Department of Transportation (USDOT) funds for its member Counties; and

WHEREAS, the Ohio Department of Transportation (ODOT) is designated to oversee the engineering design, cost estimating, and construction of projects awarded federal transportation funds through the requirement that certain guidelines, processes, and design requirements be adhered to; and

WHEREAS, the City of Avon agrees to abide by all federal requirements as a sub-recipient of federal transportation funds, including Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act, and including all applicable federal procurement requirements.

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

Section 1 - That the Avon City Council reaffirms Ordinance 74-20 and authorizes the Avon City Engineer, in conjunction with Chagrin Valley Engineering, Ltd., to perform professional engineering and surveying services in accordance with Ordinance 118-19, and in adherence to ODOT requirements, for the preparation of project plans, specifications and cost estimations related to the design and permitting of the French Creek Greenway Phase I trail which is to be a 10-foot wide asphalt multi-use trail along the north side of French Creek Road between the western municipal boundary and the Avon Isle Community Center along with all necessary appurtenances

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thereto. The Finance Director is hereby authorized to make payment in said amount from the 2021 City-Wide Bike Trails Fund No. 488. If necessary, the Finance Director is further authorized to transfer sufficient funds from the General Fund No. 101 to the 2021 City-Wide Bike Trails Fund No. 488 to meet the obligations of this contract. In addition, the Finance Director is authorized to increase this appropriation by a reasonable amount for engineering and legal fees associated with this project.

Section 2 - That the Avon City Engineer is authorized to make a project scope change request to NOACA so that an internal route through the Lustri Property is utilized to reach the Avon Isle Community Center and thereby Detroit Road instead of a route along French Creek Road east of the Lustri Property's French Creek Road frontage.

Section 3 - That the Mayor of Avon is authorized to negotiate and execute an agreement with the Lorain County Metro Parks for appropriate property rights to facilitate the construction, maintenance and public use of a 10' wide multi-purpose asphalt path along with all needed appurtenances thereto as described herein through the Lustri Property from French Creek Road to the Avon Isle Community Center following a mutually agreeable route.

Section 4 - 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 5 - That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety, and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to meet project implementation deadlines established by the Ohio Department of Transportation; 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

APPROVED AS TO FORM:

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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