

ORDINANCE NO. 130-23

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A GRANT AWARD AGREEMENT TO PARTICIPATE IN THE STATE CAPITAL BUDGET GRANT PROGRAM TO ASSIST WITH THE ACQUISITION OF LAND FOR PUBLIC USE AND DECLARING AN EMERGENCY

WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources (“ODNR”), provides financial assistance through the State Capital Budget to political subdivisions who apply and are selected by the Ohio House, the Ohio Senate and the Ohio Governor enabling them to undertake projects of lasting benefit to their respective communities; and

WHEREAS, Avon City Administration worked cooperatively with local and state legislators apply for funding to purchase the Traxler property located at Stoney Ridge Road and Centennial Ave., which land has now been designated for public use and is known as the Avon Traxler Preserve on the French Creek; and

WHEREAS, the Avon City Administration submitted in March of 2022 a State Capital Budget funding application seeking a grant of **FOUR HUNDRED THOUSAND AND 00/100 DOLLARS (\$400,000.00)** toward a **ONE MILLION FIVE HUNDRED SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$1,575,000)** purchase price to acquire the 35.9-acre Traxler parcel; and

WHEREAS, upon evaluation of the various grant funding requests submitted from around the state, Avon was awarded the full amount of its request, **FOUR HUNDRED THOUSAND AND 00/100 DOLLARS (\$400,000.00)** via the 2022 state capital budget; and

WHEREAS, the **FOUR HUNDRED THOUSAND AND 00/100 DOLLARS (\$400,000.00)** award was stipulated to be administered by the Ohio Department of Natural Resources (ODNR) which requires the of a contract document by the City of Avon; and

WHEREAS, the sale of the Traxler property has been completed and the deed recorded with the Lorain County Recorder’s Office on August 25, 2023, as such the State Capital Budget award amount, less any ODNR administrative costs, will be paid to the City of Avon as a reimbursement of local dollars spent on the purchase upon the execution of the the ODNR contract document and the submission to ODNR of various payment and closing records related to the final property sale.

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

Section 1 – That this Council hereby authorizes the Mayor of the City of Avon, Ohio to enter into the attached contract marked as [Exhibit “A”](#) and incorporated herein by this reference and thereby accept the 2022 State Capital Budget award in the amount of **FOUR HUNDRED THOUSAND AND 00/100 DOLLARS (\$400,000.00)**.

Section 2 – The City of Avon agrees to provide requested records related to the purchase of the Traxler property to the satisfaction of the Ohio Department of Natural Resources to become eligible for reimbursement under the terms of the program contract.

Section 3 – 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 4 – 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 execute the grant contract (Exhibit "A"), seek reimbursement within the timeframe established by the Ohio Department of Natural Resources and receive the funds from the grant at the earliest possible date; 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:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
Electronically and at City Hall as
Provided by Council

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