

ORDINANCE NO. 132-16

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE CITY OF AVON LAKE FOR THE CONSTRUCTION OF A STORM WATER MANAGEMENT AND CONVEYANCE PROJECT IN THE CITY OF AVON LAKE AND DECLARING AN EMERGENCY

WHEREAS, the City of Avon Lake is planning to make capital improvements to the Central Avon Lake Drainage Project (CALDP); and

WHEREAS, the (CALDP) is a storm sewer drainage system that flows through the central portion of Avon Lake from Webber Road to a direct outlet into Lake Erie; and

WHEREAS, there exists a regional detention basin located to the west of the Avon Lake Building & Service Departments at 750 Avon Belden Road, just north of the railroad tracks, that was constructed by the Ohio Department of Transportation (ODOT) as part of a State Route 83 project in the 1980's; and

WHEREAS, the City of Avon Lake and the City of Avon have jointly investigated a potential extension the CALDP southward from Webber Road in conjunction with an enlargement of the ODOT detention basin in an effort to maximize storm water management volumes and benefits to both cities; and

WHEREAS, such an expansion of the ODOT Detention Basin and extension of the CALDP to the ODOT Detention Basin was found to have the potential to accept additional storm water flows from the City of Avon, store the additional storm water flows for a period of time and then release the storm water at a lower peak flow rate over an extended period in an effort to reduce flooding risks in certain areas of Avon and mitigate downstream drainage impacts in Avon Lake; and

WHEREAS, the City of Avon Lake with assistance from the City of Avon has secured partial funding for these improvements via the Issue One (1) Infrastructure Program from the State of Ohio, Ohio Public Works Commission (OPWC); and

WHEREAS, the City of Avon Lake is preparing to engage engineering and surveying professional services to assemble construction plans and bidding documents in advance of public bidding for construction services to build the noted infrastructure improvements; and

WHEREAS, Council finds that the proposed improvements will significantly further the health, safety and welfare of the citizens of Avon and the community in providing an enhanced public stormwater management and conveyance system.

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

Section 1 - That the Mayor is hereby authorized and directed to execute a Cooperative Agreement (attached hereto and incorporated herein as Exhibit A) with the City of Avon Lake for

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preparation of engineering plans and specifications, right-of-way acquisition, environmental permitting, public bidding and construction related to the installation of a storm water management and conveyance project on land owned by the City of Avon Lake to the west of the Avon Lake Building & Service Departments at 750 Avon Belden Road, Avon Lake, Ohio.

Section 2 - Council hereby authorizes the Finance Director to appropriate the sum of Sixty Thousand Dollars (\$60,000) from the General Fund No. 101 and to transfer said sum to the Central Avon Lake Drainage Project Fund No. 483. It further authorizes the Finance Director to make payments from the CALDP Fund No. 483 in the amount set forth in the attached Cooperative Agreement (Exhibit A) to meet the City's obligations as set forth therein.

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 Resolution 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 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 enter into a Cooperative Agreement with the City of Avon Lake for preparation of engineering plans and specifications related to the improvements of the CALDP for the 2017 construction season; therefore, this Ordinance shall be in full force and effect immediately upon its passage by Council 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:

John A. Gasior, Law Director

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ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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