

**ORDINANCE NO. 47-19**

**AN ORDINANCE TO AWARD A BID PURSUANT TO  
OHIO REVISED CODE '735.051 TO CONSTRUCT/REPAIR THE  
FRENCH CREEK RETAINING WALL ON JAYCOX ROAD  
AND DECLARING AN EMERGENCY**

**WHEREAS**, in 2003, a portion of Jaycox Road near Reigelsberger Road was in danger of collapsing into adjoining French Creek so Council passed, by emergency, Ordinance No. 227-03 to authorize Votruba Construction to build a retaining wall without a competitive bid pursuant to authority granted in ORC '735.051; and

**WHEREAS**, due to the above average wet Spring, the situation has again become a matter of concern and the City's Consulting Engineer recommends that action be taken immediately to avoid a potentially serious collapse of Jaycox Road; and

**WHEREAS**, the City's Consulting Engineer, the Service Director and other administrative personnel have recommended again hiring BVC Enterprises, Inc. at a cost of \$122,740.00; and

**WHEREAS**, Council deems it necessary to preserve the health, safety & welfare of the citizens of Avon that it authorize said contract to make repairs to the retaining wall forthwith, without advertising for competitive bids, pursuant to authority in ORC '735.051; and

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

Section 1 - The bid submitted by BVC Enterprises, Inc. in the amount of One Hundred Twenty Two Thousand, Seven Hundred Forty Dollars and 00/100 Cents (\$122,740.00) is hereby accepted pursuant to ORC '735.051, the emergency being the imminent collapse of Jaycox Road in the event action is not taken immediately. (See Exhibit A) The Finance Director is hereby authorized to pay the cost of this contract and any incidental engineering and/or legal expenses associated with this project from Stormwater Utility Fund No. 633.

Section 2 - 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 3 - 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 award the contract for repairs to the retaining wall in French Creek along Jaycox Road near Riegelsberger Road in as timely a manner as possible; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Ordinance No. 47-19 (Con't)

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  
City of Avon, Ohio

ATTEST:

\_\_\_\_\_  
Barbara Brooks  
Clerk of Council

Posted: \_\_\_\_\_

In Five Places as  
Provided by Council

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