

**ORDINANCE NO. 102-19**

**AN ORDINANCE DESIGNATING CITY OF AVON AGENTS FOR ADMINISTRATION OF THE CITY'S MITIGATION ASSISTANCE ACQUISITION/DEMOLITION PROJECT FUNDED UNDER THE HAZARDOUS MITIGATION GRANT PROGRAM (HMGP) AS A RESULT OF FEDERAL DECLARATION FEMA-DR-4360-OH AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Avon recognizes that from time to time flooding has occurred at 3535 Jaycox Road, and;

**WHEREAS**, the City of Avon has been made aware of federal assistance to mitigate such flooding at 3535 Jaycox Road through Federal Emergency Management Agency's (FEMA's) Hazardous Mitigation Grant Program (HMGP), and;

**WHEREAS**, the State of Ohio, through the Ohio Department of Public Safety's Ohio Emergency Management Agency, coordinates all sub-grant project applications for the State of Ohio on behalf of FEMA, and;

**WHEREAS**, the City of Avon has been notified by the Ohio Department of Public Safety's Ohio Emergency Management Agency that the Federal Emergency Management Agency (FEMA) has approved a grant award for the City of Avon's project located at 3535 Jaycox Road as noted in the State-Local Grant Agreement document, copy of which is attached as Exhibit A, and;

**WHEREAS**, Avon City Council finds that this proposed improvement will significantly further the health, safety and welfare of the citizens of Avon and the community by removing a structure that is located within the Schwartz Creek Floodway.

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

Section 1 - That Bryan K. Jensen - Mayor of the City of Avon and Ryan E. Cummins, P.E., CPESC Consulting City Engineer are hereby authorized to execute for and on behalf of the City of Avon, a public entity established under the laws of the State of Ohio, all documents associated with our application and to file them with the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 23<sup>rd</sup> Congress) or otherwise available from the President's Disaster Relief Fund.

Section 2 – That the City of Avon, a public entity established under the laws of the State of Ohio, hereby authorized its agent(s) to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such disaster assistance the assurances and agreements as listed in the Grant Agreement.

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

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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 designate agents on behalf of the City of Avon to execute grant documents as contained in Exhibit A at their earliest convenience; therefore, this Ordinance shall be in full force and effect immediately upon its passage 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

ATTEST:

\_\_\_\_\_  
Barbara J. Brooks  
Clerk of the Council

Posted: \_\_\_\_\_  
In Five Places as  
Provided by Council

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