

**RESOLUTION NO. R-9-20**

**A RESOLUTION TO ADVERTISE FOR BIDS FOR THE ELIZABETH AVENUE, JOSEPH STREET, PUTH DRIVE AND DETROIT ROAD SANITARY SEWER IMPROVEMENT, PHASE 2 PROJECT AND DECLARING AN EMERGENCY**

**WHEREAS**, the Council of the City of Avon, Lorain County, Ohio (the “City”), in order to provide sanitary sewer service to the property owners along and in the vicinity of the entirety of Elizabeth Avenue, Joseph Street and Puth Drive as well as Detroit Road from 34901 Detroit Road to 34008 Detroit must construct an approximately six thousand one hundred (6,100) foot sanitary sewer system, improvements of certain water distribution systems and augmentation of various storm sewer systems, together with all necessary appurtenances and related improvements thereto, as more particularly described below (the “Improvements”); and

**WHEREAS**, an area located along Detroit Road between addresses 34008 and 34901 and in the vicinity of Elizabeth Avenue, Joseph Street, and Puth Drive consisting of approximately one hundred and seven (107) parcels of land (hereinafter referred to as the “Affected Area”) is not serviced by a public sanitary sewerage disposal system due to the unavailability of wastewater treatment facilities in that area; and

**WHEREAS**, parcels within the Affected Area are currently served by individual on-site sewage disposal systems that have been found to be operating in an inadequate or failing nature; and

**WHEREAS**, on June 14, 2011, the Ohio Environmental Protection Agency (the “Ohio EPA”) conducted a municipal storm water program audit and noted the odor of sewage emanating from the Affected Area and determined that illicit discharges were occurring from the individual on-site sewage disposal systems into the public storm drainage systems. On August 26, 2011, the City received a Notice of Violation letter from the Ohio EPA that confirmed the presence of illicit discharges within the Affected Area; and

**WHEREAS**, given the size of the residential lots in the Affected Area, replacement or repair of existing on-site sewage disposal systems were deemed by the Ohio EPA not to be an unacceptable solution to remedy the unsanitary conditions related to the illicit discharges; and

**WHEREAS**, Ohio EPA requested that the City enter into Director’s Final Findings and Orders pertinent to remedying this public nuisance and required the City to install wastewater treatment facilities in the affected area, viz., sanitary sewers; and

**WHEREAS**, that City Council, after reviewing the proposed Director’s Final Findings and Orders, found that they were reasonably related to eliminating the aforementioned public nuisance and authorized the Mayor to execute same on behalf of the City pursuant to Ord. No. 37-13, passed on April 1, 2013; and

**WHEREAS**, Avon City Council passed a Resolution of Necessity on September 9, 2019 known as Resolution R-22-19 related to said Improvements; and

**WHEREAS**, the City of Avon in conjunction with Aaron P. Appell, P.E., of the Bramhall Engineering and Surveying Company has prepared plans and specifications for said Improvements together with bidding & contract documents prepared by Chagrin Valley Engineering, Ltd., all of which comprise the Elizabeth Avenue, Joseph Street, Puth Drive and Detroit Road Sanitary Sewer Improvement, Phase 2 Project; and

**WHEREAS**, City Council finds that it is in the best interest of the health, safety and welfare of the Community that the City Administration go forward with advertising for public bids to complete the Elizabeth Avenue, Joseph Street, Puth Drive and Detroit Road Sanitary Sewer Improvement, Phase 2 Project.

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

Section 1 - That the Clerk of Council is hereby authorized and directed to advertise for public bids for the completion of public improvements within the City of Avon, to wit: improvements to be known as Elizabeth Avenue, Joseph Street, Puth Drive and Detroit Road Sanitary Sewer Improvement, Phase 2 Project with all appurtenances thereto.

Section 2 - That the City shall reserve the right to reject any and all bids.

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 Resolution 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 advertise for bids for the Elizabeth Avenue, Joseph Street, Puth Drive and Detroit Road Sanitary Sewer Improvement, Phase 2 Project in order to facilitate substantial completion prior to the end of 2020 construction season; therefore, this resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: \_\_\_\_\_ DATE SIGNED: \_\_\_\_\_

BY: \_\_\_\_\_  
Brian Fischer, Council President

Resolution No. R-9-20 (Con't.)

DATE SIGNED BY THE MAYOR: \_\_\_\_\_

\_\_\_\_\_  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
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