

RESOLUTION NO. R-11-21

A RESOLUTION IN SUPPORT OF SUBMITTING AN APPLICATION TO THE OHIO ASSOCIATION OF REGIONAL COUNCILS (OARC) THROUGH THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) FOR FEDERAL CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDING AND DECLARING AN EMERGENCY

WHEREAS, the United States Congress has set aside monies for Congestion Mitigation and Air Quality (CMAQ) projects through the State of Ohio, Department of Transportation (ODOT) and administered by the Northeast Ohio Areawide Coordinating Agency (NOACA); and

WHEREAS, Local Public Agencies (LPAs) such as the City of Avon can apply for these monies and be selected for funding by the Ohio Association of Regional Councils (OARC), who is charged with management of a statewide CMAQ program by ODOT; and

WHEREAS, the City of Avon, Lorain County, Ohio is the LPA for this project; and

WHEREAS, the intersection improvements at Detroit Road and Jaycox Road in the City of Avon in Lorain County are a transportation activity eligible to receive federal CMAQ funding; and

WHEREAS, this CMAQ eligible project is located within the NOACA Metropolitan Planning Organization (MPO); and

WHEREAS, this CMAQ eligible project can be submitted to NOACA for scoring and processing; and

WHEREAS, if requested funds are granted, the LPA shall be responsible for at least twenty (20%) percent of the eligible pro-rated costs.

WHEREAS, Council finds it to be in the best interest of the health, safety and welfare of the Community that the City go forward with this Resolution in support of the application for funding through CMAQ for the Detroit and Jaycox intersection improvements.

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

Section 1 – That the Mayor is hereby authorized on behalf of the City of Avon, the LPA (Local Public Agency), to prepare, submit and execute an application for CMAQ funding and to submit said application to NOACA for consideration by OARC for the following capital infrastructure improvement projects:

Detroit Road and Jaycox Road Intersection Improvement Project

Section 2 – The total cost of the project is estimated to be Four Million Two Hundred Seventy Five Thousand and 00/100 (\$4,275,000.00) Dollars, of which the LPA, if awarded the funds, commits to pay at least twenty (20%) percent (hereinafter known as the local portion), estimated to be Eight Hundred Fifty Five Thousand and 00/100 (\$855,000.00) Dollars. The local portion shall be funded by the LPA using general fund dollars or other local revenues. The LPA further agrees to pay One Hundred Percent (100%) of the cost over and above the maximum amount provided by the OARC and for all non-participating costs associated with project development activities.

Section 3 – Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) if necessary, maintain the right-of-way, keeping it free of obstructions; and (4) if necessary, hold said right-of-way inviolate for public highway purposes.

Section 4 – 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 5 – 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 support an application for Congestion Mitigation and Air Quality (CMAQ) prior to its predetermined deadlines; therefore, this Resolution shall be in full force and effect 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: _____
In Five Places, as
Provided by Council

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