

ORDINANCE NO. 20-16

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO OBTAIN PARTIAL FUNDING FROM THE JOBS AND COMMERCE ECONOMIC DEVELOPMENT PROGRAM FOR THE RE-CONSTRUCTION AND WIDENING OF APPROXIMATELY 4,300 FEET OF CHESTER ROAD BETWEEN THE EASTERN PROPERTY LINES OF MENARD AND CABELA'S THROUGH TO JAYCOX ROAD, IN ORDER TO SUPPORT THE DEVELOPMENT OF A NEW BENDIX CORPORATION CORPORATE CAMPUS AND DECLARING AN EMERGENCY

WHEREAS, the City of Avon, a.k.a., the Local Public Agency (LPA) and a private developer, desire to re-construct and widen approximately 4,300 feet of Chester Road between the eastern property lines of Menard's and Cabela's through to Jaycox Road in the City of Avon, in order to support the development of a new Bendix Corporation Corporate Campus on the north side of Chester Road; and

WHEREAS, these improvements were approved by Planning Commission on June 17, 2015 by a vote of five (5) in favor and zero (0) opposed; and

WHEREAS, the City has successfully obtained a commitment for a grant from the Ohio Department of Transportation (ODOT) Jobs and Commerce Economic Development Program in the amount of One Hundred Fifty Thousand and 00/100 (\$150,000.00) Dollars; and

WHEREAS, in order to move forward with the project and obtain the financial assistance of the State of Ohio, the City must enter into a contract with ODOT for the partial funding of these public improvements; and

WHEREAS, Council has had an opportunity to review this contract and the obligations incurred thereunder and finds it to be in the best interests of the health, safety and welfare of the citizens of Avon and the motoring public for the Mayor to enter into said agreement with ODOT and obtain the partial funding from the Jobs and Commerce Economic Development Program to defray some of the costs of the proposed improvements.

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

Section 1 - That the Mayor of the City of Avon (LPA) is hereby authorized to enter into a contract with the Ohio Department of Transportation to obtain partial funding for the re-construct and widening of approximately 4,300 feet of Chester Road between the eastern property lines of Menard's and Cabela's through to Jaycox Road in the City of Avon, in order to support the development of a new Bendix Corporation Corporate Campus on the north side of Chester Road in substantially the same form as that which is set forth in the attached Exhibit A and incorporated herein by this reference.

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

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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 proceed with the execution of a contract between the City and ODOT for the partial funding of the re-construction and widening of approximately 4,300 feet of Chester Road between Menard's/Cabela's and Jaycox Road in the City of Avon; 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
City of Avon, Ohio

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____

In Five Places as
Provided by Council

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