

ORDINANCE NO. 84-26

**AN ORDINANCE TO REJECT BIDS FOR THE FRENCH
CREEK GREENWAY PHASE 1 PROJECT
AND DECLARING AN EMERGENCY**

WHEREAS Avon City Council recognizes the health, safety and welfare benefits to its citizens that come from the promotion of alternative modes of transportation including walking and bicycling; and

WHEREAS, the Bicycle and Pedestrian Master Plan has identified the spine of the Avon trail network, to be known as the French Creek Greenway, that when fully constructed, will provide an alternate transportation link between key community resources such as parks, schools, health care facilities and commercial areas throughout Avon; and

WHEREAS, the City of Avon with the assistance of its State Senator and House Representative was successful in securing grant funding that can be utilized for the French Creek Greenway Phase 1 Project via the State Capital Budget, with such grant funds being administered by the Ohio Department of Natural Resources; and

WHEREAS, the City Engineer has identified a French Creek Greenway Phase 1 Project that will extend from residence number 39686 French Creek Road thence eastward to the French Creek Road & Kenwyn Boulevard intersection and shall include the following: installation of a 10-foot wide asphalt multi-use path; utility adjustments; curb ramp replacements; grading; drainage improvements; culvert extensions; fire hydrant adjustments; pavement striping; and any appurtenances thereto. The overall project will be approximately 5,200 feet in length; and

WHEREAS, Avon City Council passed Resolution R-10-26 on June 1, 2026, which authorized the public bid of said French Creek Greenway Phase 1 Project; and

WHEREAS, the public bids were opened and read aloud at noon on June 25, 2026, at Avon City Hall, and the following bids were received:

Contractor	Bid Total
Buckeye Excavating & Construction, Inc.	\$1,567,073.00
Schirmer Construction, LLC	\$1,744,790.00
KMU Trucking & Excavation, LLC	\$1,785,068.00
Protect-A-Cote, Inc.	\$1,983,289.00

WHEREAS, the Engineer's Estimated cost for the project was set at \$1,458,800.00. As such, the bid by Buckeye Excavation & Construction, Inc. was approximately 7.4% above the Engineer's Estimate. A copy of the bid tabulation is attached hereto within [Exhibit A](#); and

WHEREAS, the City of Avon has not to date received an updated grant contract from the Ohio Department of Natural Resources and given that the 2026 construction season is drawing to a close with too little time remaining to complete the project in one construction

season, the City Engineer, in the best interests of the citizens of Avon, is recommending that all the bids received on June 25, 2026 be rejected; and

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

Section 1 - That the public bids received on June 25, 2026, at Avon City Hall for the French Creek Greenway Phase 1 Project be rejected.

Section 2- 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 3- 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 reject all bids and to re-bid the project later in 2026 or early 2027 to be able to complete the project during the 2027 construction season; therefore, this Ordinance shall be in full force and effect immediately 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

Ordinance No. 84-26 (Con't)

Posted: _____

In Five Places as
Provided by Council

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