

ORDINANCE NO. 04-16

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
A COOPERATIVE AGREEMENT WITH THE CITY OF AVON LAKE FOR THE
RESURFACING OF STATE ROUTE 83 FROM DETROIT ROAD TO LAKE ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) Board of Directors passed Resolution 2014-013 titled "Provisional Transportation Asset Management Policy" at its April 11, 2014 Board Meeting; and

WHEREAS, the stated intent of the Provisional Transportation Asset Management Policy is to advance projects for funding that have been prioritized by NOACA's Regional Pavement Management System (RPMS) with input from the affected communities to consider factors such as project readiness, multimodal use, economic development and access to community job centers. RPMS uses a benefit analysis based on average daily traffic, pavement condition ratings, functional classifications, and various connectivity factors. The result was a selection of a list of resurfacing projects by NOACA for funding in fiscal year 2016 that met the criteria; and

WHEREAS, one of the projects selected by NOACA for participation in the program is the asphalt resurfacing of State Route 83 (Center Road) from Detroit Road in the City of Avon northward to Lake Road in the City of Avon Lake; and

WHEREAS, NOACA in conjunction with the Ohio Department of Transportation (ODOT) have designated the project as PID 92880, LOR SR083-17.94 and placed it on NOACA's SFY 2016-2019 Transportation Improvement Program (TIP) for funding with the City of Avon as the Project Sponsor. NOACA has preliminarily estimated the total cost of construction and construction engineering to be \$2,169,719. The estimated costs will be divided on a 20% local and 80% NOACA funding ratio for construction related costs. As such, the NOACA estimated construction costs break down as follows: \$174,272 for Avon Lake, \$259,672 for Avon and \$1,735,775 for NOACA. Estimated costs will be revised during the development of engineering plans and will be based on the actual work occurring in each community; and

WHEREAS, it is a requirement of the NOACA program that the local governments must undertake actions to facilitate the preparation of engineering plans and specifications for the project that meet with ODOT requirements and satisfaction. In addition, the cost of preparing the plans and specifications shall be borne solely by the local governments involved; and

WHEREAS, after discussions between the City of Avon and the City of Avon Lake administrations it was proposed that any project related local costs not specifically segregated per community by ODOT, including the costs to prepare the engineering plans and specifications, shall be divided among the two communities based on a ratio of the centerline length of State Route 83 within the project area per community to the total project length. Based on straight line miles within the project area there are 1.5 miles in Avon and 2.4 miles in Avon Lake. The resulting cost sharing percentages would then be 38.5% Avon and 61.5% Avon Lake; and

WHEREAS, ODOT has agreed that for this project it will review the prepared engineering plans and then to administer the bidding, contract award and construction management activities through an ODOT-Let contract and construction model instead of Local Project Administration model ; and

WHEREAS, the City of Avon, as the NOACA designated Project Sponsor shall act as the Lead Agent for the preparation of engineering plans and specifications in cooperation with NOACA, the Ohio Department of Transportation (ODOT) and the City of Avon Lake; and

WHEREAS, Council finds that entering into a cooperative agreement with the City of Avon Lake to prepare one unified set of engineering plans and specifications will be at a significant cost savings to the taxpayers of the City of Avon and will further the health, safety and welfare of the community in upgrading its transportation facilities.

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

Section 1 - That the Mayor is hereby authorized and directed to execute a Cooperative Agreement (attached hereto and incorporated herein as Exhibit A) with the City of Avon Lake for preparation of engineering plans and specifications related to the asphalt resurfacing of State Route 83 (Center Road) from Detroit Road in the City of Avon northward to Lake Road in the City of Avon Lake known as ODOT PID 92880, LOR SR083-17.94.

Section 2 – Council hereby authorizes the Finance Director to transfer funds from the General Fund No. 101 to the State Route 83 Resurfacing Project Fund No. 481. It further authorizes the Finance Director to make payment from the Fund No. 481 in the amount set forth in the Cooperative Agreement (Exhibit A), to meet the City's obligations as set forth therein.

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 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 enter into a cooperative agreement with the City of Avon Lake for preparation of engineering plans and specifications related to the improvement of State Route 83 as described herein within the both communities within the 2016 construction season; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Ordinance No. 04-16 (Con't.)

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

APPROVED AS TO FORM: _____
Bryan K. Jensen, Mayor

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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