

ORDINANCE NO. 74-20

AN ORDINANCE AUTHORIZING THE DEVELOPMENT OF ENGINEERING PLANS AND SPECIFICATIONS FOR THE INSTALLATION OF AN ASPHALT MULTI-USE TRAIL ALONG THE ENTIRETY OF FRENCH CREEK ROAD IN CONJUNCTION WITH A TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE (TLCI) IMPLEMENTATION GRANT 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 City of Avon, via the Northeast Ohio Areawide Coordinating Agency's (NOACA) Transportation for Livable Communities Initiative (TLCI) Planning Grant Program, continues to work in concert with the Village of Sheffield and the Lorain County Metro Parks to finalize The Avon/Sheffield Village - Bicycle and Pedestrian Master Plan as part of an Active Transportation Initiative for all of Avon and the northeast portion of Sheffield that identifies and plans for a network of trails and other infrastructure improvements that will provide safe alternatives to motor vehicle transportation throughout the study area; and

WHEREAS, the TLCI Program provides federal funds for projects that integrate transportation and land use planning, increase transportation options, promote livability, and advance the goals of NOACA's Strategic Plan for northeast Ohio; 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 eventually 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 NOACA TLCI program also offers opportunities for municipalities to seek grant funds to implement infrastructure improvements that were identified in previous TLCI planning efforts, such as the Avon Active Transportation Initiative; and

WHEREAS, the City of Avon passed Resolution R-29-19 on October 7, 2019 to apply for partial grant funding via NOACA's TLCI Implementation Program to help offset the cost to construct Phase 1 of the French Creek Greenway, estimated to cost \$1,118,410.30. Phase 1 will consist of a 10-foot wide asphalt multi-use trail along French Creek Road between the western municipal border and Detroit Road; and

WHEREAS, the City of Avon was successful in its grant pursuit and has received a commitment letter from NOACA dated April 6, 2020 pledging \$250,000 in grant funding through the TLCI Implementation Program to help offset the cost to construct Phase 1 of the French Creek Greenway, the letter from NOACA announcing the award is attached as Exhibit A; and

WHEREAS, the attached Exhibit B depicts the currently planned placement, extent and typical cross section of the proposed Phase 1 trail; and

WHEREAS, the City of Avon is continuing to coordinate with the Lorain County Metro Parks about how the proposed Avon Phase 1 trail along French Creek Road will connect to similar trails existing or proposed in Sheffield Village, these discussions may impact whether all or part of the Avon path is placed on the north or south side of French Creek Road; and

WHEREAS, the attached Exhibit C contains a Preliminary Project Cost Estimate of the proposed Phase 1 trail; and

WHEREAS, the TLCI implementation funds are designated for construction costs and are paid out on a reimbursement basis, requiring grant recipients to first expend funds and then request reimbursement up to the grant amount from NOACA; and

WHEREAS, the costs incurred for professional engineering and surveying services to develop plans and specifications are the full responsibility of the City of Avon; and

WHEREAS, NOACA acts as the designated recipient of United States Department of Transportation (USDOT) funds for its member Counties; and

WHEREAS, the Ohio Department of Transportation (ODOT) is designated oversee the engineering design, cost estimating and construction of projects awarded federal transportation funds through the requirement that certain guidelines, processes, and design requirements be adhered to; and

WHEREAS, the City of Avon agrees to abide by all federal requirements as a sub-recipient of federal transportation funds, including Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act, and including all applicable federal procurement requirements; and

WHEREAS, Council finds that authorizing the City Engineer to perform professional engineering and surveying services related to the design and permitting of the French Creek Greenway Phase 1 will promote the health, safety and welfare of all the residents of Avon.

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

Section 1 – That the Avon City Engineer in conjunction with Chagrin Valley Engineering, Ltd. is hereby authorized to perform professional engineering and surveying services in accordance with Ordinance 118-19, and in adherence to ODOT requirements, for the preparation of project plans, specifications and cost estimations related to the design and permitting of the French Creek Greenway Phase I trail which is to be a 10-foot wide asphalt multi-use trail along French Creek Road between the western municipal boundary and the Detroit Road intersection along with all necessary appurtenances thereto. (Funds appropriated in Ord. 62-20.)

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

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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 meet intermittent and long term project design deadlines established by the Ohio Department of Transportation; 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

Posted: _____
In Five Places, as
Provided by Council

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