

**ORDINANCE NO. 51-23**

**AN ORDINANCE TO AWARD THE BID FOR THE CHESTER ROAD  
WIDENING – PHASE II PROJECT  
AND DECLARING AN EMERGENCY**

**WHEREAS**, due to increased traffic volumes and continued adjacent development activities along the Chester Road corridor west of State Route 83 the City of Avon recognizes that capacity improvements are needed to the extent possible to maintain safe travel conditions for its residents and the traveling public; and

**WHEREAS**, the intersections of Chester Road & American Way (western entrance), a private development, and the Chester Road & Chenin Run (western entrance), also a private development, do not have dedicated left turn lanes on Chester Road; and

**WHEREAS**, the Developer of the Avon Pointe (American Way Western Entrance), Brady-Cam I, LLC, and the Developer of Concord Village No. 2 (Chenin Run), Concord Village Phase 2, LLC, have made independent commitments to improve the portion of Chester Road across their respective frontages by the widening of Chester Road to accommodate left-hand turn lanes at the noted intersections; and

**WHEREAS**, the City Engineer in conjunction with Chagrin Valley Engineering, Ltd. have prepared plans and specifications to widen Chester Road from approximately three hundred and fifty feet west of the Chester Road & American Way Western Entrance intersection to the Chester Road & American Way Eastern Entrance intersection, a total of approximately sixteen hundred twenty-five feet in length to create a consistent three lane wide pavement section along with various improvements to water distribution, storm sewer drainage, and sidewalk improvements; and

**WHEREAS**, the City of Avon has secured a funding package from the Ohio Public Works Commission consisting of grant and loan funds to help offset a portion of the project construction cost; and

**WHEREAS**, the City of Avon has negotiated funding contribution packages from both Concord Village Phase 2, LLC and Brady-Cam I, LLC to participate in the cost of construction of the Chester Road Widening, Phase II Project in lieu of individual roadway improvement projects to meet the left-turn lane needs of their individual projects; and

**WHEREAS**, City Council passed Resolution R-14-23 on March 13, 2023, which authorized the public bid of said Chester Road Widening Phase II Project; and

**WHEREAS**, the public bids were opened and read aloud at noon on March 30, 2023, at the Avon City Hall and the following bids were received:

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Contractor	Bid Total
KMU Trucking & Excavating, LLC	\$2,102,343.39
Xtreme Excavating, LLC	\$2,143,227.28
Digioia-Suburban Excavating, LLC	\$2,190,896.00
Eclipse Co., LLC	\$2,271,404.00

**WHEREAS**, the bid submitted by KMU Trucking & Excavating, LLC is approximately 3.3% below the Engineer's Estimate of \$2,173,826.00. A copy of the bid tabulation is attached hereto within Exhibit "A"; and

**WHEREAS**, the City Engineer has reviewed each of the bids submitted and is recommending that the bid submitted by KMU Trucking & Excavating, LLC be considered the lowest and best bid for the Chester Road Widening Phase II Project, a bid review memorandum is also attached hereto as part of [Exhibit "A"](#); and

**WHEREAS**, Council finds that it is in the best interest of the health, safety, and welfare of the Community that the City go forward with the awarding of a construction contract based on the public bid submitted by the KMU Trucking & Excavating, LLC for the Chester Road Widening Phase II Project, which was received on March 30, 2023.

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

Section 1 – That pursuant to bids received on March 30, 2023 for the Chester Road Widening Phase II Project, the bid submitted by KMU Trucking & Excavating, LLC in the amount of Two Million, One Hundred Two Thousand, Three Hundred Forty-Three and 39/100 Dollars (\$2,102,343.39) is declared to be the lowest and best bid and the Mayor is hereby authorized to execute a construction contract with that entity. The Finance Director is hereby authorized to make payment from the Chester Road/American Way Improvement Fund No. 486. The Finance Director is further authorized to transfer sufficient funds from the General Fund No. 101 to the Chester Road/American Way Improvement Fund No. 486 in a reasonable amount for engineering fees, legal fees, appraisal fees and property acquisitions associated with this project.

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 Ordinance 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 undertake and substantially complete the Chester Road Widening Phase II Project prior to the end of the 2023

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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

Posted: \_\_\_\_\_  
Electronically and at City Hall as  
Provided by Council

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