

**RESOLUTION NO. R-23-23**

**A RESOLUTION IN SUPPORT OF SUBMITTING AN APPLICATION TO THE OHIO ASSOCIATION OF REGIONAL COUNCILS (OARC) THROUGH THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) FOR FEDERAL CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDING AND DECLARING AN EMERGENCY**

**WHEREAS**, the United States Congress has set aside monies for Congestion Mitigation and Air Quality (CMAQ) projects through the State of Ohio, Department of Transportation (ODOT) and administered by the Northeast Ohio Areawide Coordinating Agency (NOACA); and

**WHEREAS**, Local Public Agencies (LPAs) can apply for these monies and be selected for funding by the Ohio Association of Regional Councils (OARC), who has been charged with management of a statewide CMAQ program by ODOT; and

**WHEREAS**, the LPA for this project is defined as the City of Avon, Lorain County; and

**WHEREAS**, improvements to the intersection of Jaycox Road & Detroit Road in the City of Avon in Lorain Co. is a transportation activity eligible to receive federal CMAQ funding; and

**WHEREAS**, this CMAQ eligible project is in the NOACA Metropolitan Planning Organization (MPO); and

**WHEREAS**, this CMAQ eligible project can be submitted to NOACA, respectively for scoring and processing; and

**WHEREAS**, if requested funds are granted, the LPA shall be responsible for at least twenty (20%) percent of the eligible pro-rated costs.

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

Section 1 – That the Mayor for the City of Avon is hereby authorized to prepare, execute and submit, on behalf of the LPA, an application for CMAQ funding in the amount of \$4,595,660 and to submit said application to NOACA for consideration of funding by OARC for the capital infrastructure improvement project known as the Jaycox Road and Detroit Road Intersection Improvement Project.

Section 2 – The total cost of the project is estimated to be \$ 7,660,660, of which the LPA, if awarded the funds, commits to pay at forty (40%) percent (hereinafter known as the local portion), estimated to be \$3,065,000. The local portion shall be funded by the LPA's using general fund dollars or other local revenues. The LPA further agrees to pay One Hundred Percent (100%) of the cost over and above the maximum amount provided by the OARC and for all non-participating costs associated with project development activities.

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Section 3 – Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) if necessary, maintain the right-of-way, keeping it free of obstructions; and (4) if necessary, hold said right-of-way inviolate for public highway purposes.

Section 4 – 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.

Section 5 – That this Resolution 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 prepare, execute and submit an application for Congestion Mitigation and Air Quality (CMAQ), prior to its predetermined deadlines; therefore, this Resolution shall be in full force and effect 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

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

Prepared By:

John A. Gasior, Esq.  
Law Director