

**REVISED DRAFT RESOLUTION NO. 2007-035
(AVON INTERCHANGE PROJECT
PLANNING REVIEW AND
TRANSPORTATION PLAN
AMENDMENT-POSTPONED 9/12/2007)**

**RESOLUTION OF THE GOVERNING BOARD
OF THE
NORTHEAST OHIO AREWIDE COORDINATING AGENCY**

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) is the Metropolitan Planning Organization (MPO) for the Counties of Cuyahoga, Geauga, Lake, Lorain and Medina; and

WHEREAS, on December 1, 2006, the City of Avon requested that NOACA amend the Transportation Plan to include the recommendations of the Avon Access Study; and

WHEREAS, the recommendations of the Avon Access Study include a new interchange on I-90 at Nagel Road, widening of selected arterial and collector streets within the City of Avon, and intersection improvements on SR 83; and

WHEREAS, the City of Avon has stated that it will not request federal-aid funds to construct the infrastructure recommended by the Avon Access Study; and

WHEREAS, NOACA's Regional Transportation Investment Policy states that all proposed projects, regardless of funding source, must be processed through Project Planning Review (PPR); and

WHEREAS, Project Planning Review includes NOACA committee review, public involvement, Intergovernmental Review and Consultation (IGRC) and staff review; and

WHEREAS, the Project Planning Review for the Avon request was conducted from March through September 2007; and

WHEREAS, on August 17, 2007, the NOACA Transportation Advisory Committee reviewed the components of the Project Planning Review (PPR) and recommended approval of the PPR and Avon request for a Transportation Plan amendment; and

WHEREAS, in addition to the standard requirements of a Project Planning Review, the NOACA Governing Board directed the Executive Director to retain consultants for an Impact Study of the proposed new interchange; and

WHEREAS, issuance of the Request For Proposal (RFP), consultant selection and management of the Impact Study was assigned by the NOACA Governing Board to the NOACA Executive Committee; and

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WHEREAS, the final Impact Study report was made available to the NOACA Executive Committee on September 7, 2007, and the consultant made a presentation of the study findings to the Governing Board on September 14, 2007.

NOW, THEREFORE BE IT RESOLVED, by the Governing Board of the Northeast Ohio Areawide Coordinating Agency that, based on the Transportation Advisory Committee's action on August 17, 2007:

Section 1: The Project Planning Review for the Avon Interchange is approved.

Section 2: The request from the City of Avon for a Transportation Plan amendment is approved. This amendment of the Transportation Plan is contingent on conformity with the Clean Air Act, to be determined by the United States Environmental Protection Agency based on an analysis to be performed by the NOACA staff in coordination with the Akron Metropolitan Area Transportation Study (AMATS) and the Ohio Department of Transportation (ODOT).

Section 3: Amendment of the Transportation Plan is also dependent on a good faith effort by several parties agreeing to the following:

A. Regarding public transit, the City of Avon is strongly encouraged to:

1. Follow through with City-announced plans to:
 - a. Design the public roadways and interchange so that transit vehicles will be able to maneuver within the public right of way;
 - b. Ensure that private roads will be built to city standards, meaning that at least the main access roads in the development will be able to accommodate transit;
 - c. Consider transit-oriented design in development plans;
 - d. Provide pedestrian access to development sites;
 - e. Develop a park and ride lot near the interchange site; and
 - f. Work with Lorain County Transit (LCT) to provide transit waiting environments and other transit amenities.
2. Work with Lorain County Transit (LCT) and developers early in the design phase to plan for transit access to the development;
3. Work with the developer to help advocate for public transit;
4. Coordinate with NOACA's Transit Council so that members are informed and have the opportunity to comment on the development. The Council requests that it receive copies of all design plans and pertinent information regarding the development as it proceeds.

B. Regarding public transit, Lorain County is strongly encouraged to determine a source of operating funds for any LCT services to the site in advance of the development's

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completion. The development of a transit authority for Lorain County should be assessed, along with a dedicated source of funding for public transit.

C. Regarding bicycle and pedestrian improvements, the City, in coordination with parties at interest, is strongly encouraged to ensure that all improvements on Nagel Road, including the interchange bridge, shall accommodate bicyclists and pedestrians. The City is encouraged to consider providing a minimum eight-foot multipurpose path on one side with a minimum five-foot sidewalk on the other, or providing a six-foot, on-road bicycle lane and six-foot sidewalk on each side.

D. Regarding traffic improvements, after construction of the I-90 interchange with Nagel Road, the City of Avon and the City of Westlake are strongly encouraged to consider connecting municipal streets both north and south of I-90 across the county line between the two cities.

Section 4: The local jurisdictions participating in the Joint Economic Development Zone (“JEDZ”) would join Avon in a JEDZ Agreement including the following terms:

A. Definition of JEDZ: An area within the City of Avon (“Avon”) bounded by a line approximately 500 feet east of Jaycox Road on the west, the Avon-Avon Lake border to the north, the Cuyahoga County-Lorain County border to the east, and Interstate 90 to the south, in addition to a 112-acre area which is located south of Interstate 90, on both sides of Nagel Road, and adjacent to Interstate 90 (the “Halo Area”).

B. Local Jurisdictions Eligible to Participate As Parties in JEDZ Agreement With Avon: Cleveland, Lakewood, Rocky River, Fairview Park, North Olmsted, Westlake, Bay Village, Sheffield, Sheffield Lake, Sheffield Township, North Ridgeville, Avon Lake, Elyria, Elyria Township, and Lorain.

C. Income Tax Sharing: If a business with an annual gross payroll more than \$750,000 (indexed for inflation over the term of the Agreement) relocates from a party to the agreement to the Zone, that party will be entitled for a period of five (5) years to receive fifty percent (50%) of income tax revenue based on the lesser of 1) payroll in existence immediately prior to the relocation or 2) payroll in existence after the relocation. The taxes shared with the party losing a business will be reduced proportionately if a new business “backfills” all or part of the real estate previously occupied by the relocating business.

D. Limitation on Use of Tax Abatements: The City of Avon would agree that for any business relocating to the Zone from a party to the Agreement, there shall be a limit on any new industrial or commercial tax abatement not to exceed seventy-five percent (75%) and ten years in duration, and there shall be no income tax abatements.

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E. All the participating jurisdictions would support and advocate for County, State and/or Federal funding, as applicable, for improvement of certain roadways determined to be impacted by development in the Zone in the Cities of Bay Village and Westlake, including but not limited to improvements to the intersection of Nagel and Bradley Roads in Bay Village and improvements to Avon Road in Westlake.

F. The Agreement would commence as of the adoption date of this resolution and remain in place for a period of thirty (30) years.

G. The initial project of the Cleveland Clinic, which has said that it plans to build a healthcare center at the interchange, is exempt from the agreement up to a cap of 500 jobs, because the Cleveland Clinic has said: (1) building the facility is not contingent on the interchange; and (2) the facility represents mainly an expansion of services rather than a relocation of services.

H. The respective city councils of the cities listed in Section 4(B) above would have to approve the agreement for them to realize the benefits of the JEDZ Agreement.

Section 5. This resolution approves the Avon Interchange subject to passage within 30 days of legislation by Avon City Council authorizing and directing the Mayor of Avon to execute a JEDZ Agreement substantially in accordance with the terms set forth in Section 4 of this resolution; failure to satisfy this passage requirement shall render this resolution null and void.

Section 6. The Executive Director is hereby directed to transmit this resolution to the City of Avon, appropriate Federal, State and local agencies, and any and all other parties requesting this resolution.

Certified to be a true copy of a Resolution of the Governing Board of the Northeast Ohio Areawide Coordinating Agency adopted this 12th day of October 2007.

Secretary: _____

Date Signed: _____


