

ORDINANCE NO. 117-16

**AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF AVON TO
CONSENT TO THE RECONSTRUCTION OF NOISE WALLS ALONG I-90
BY THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT)
AND DECLARING AN EMERGENCY**

WHEREAS, the Ohio Department of Transportation has determined the need for certain noise walls to be reconstructed along Interstate Route 90 (I-90) within the City of Avon; and

WHEREAS, the Ohio Department of Transportation has requested Avon City Council grant its consent to allow said work to be completed in accordance with the Consent Legislation document attached hereto and marked as Exhibit A; and

WHEREAS, the Ohio Department of Transportation has stated that the project extents will be along the south side of I-90 from 0.45 miles east of State Route 611 to 0.25 miles west of State Route 83 in the City of Avon in Lorain County, which is the same extents as the existing noise walls currently in place; and

WHEREAS, Council has determined that it is in the best interests of the health safety and welfare of the citizens of Avon to consent to the Director of the Ohio Department of Transportation to complete the Noise Wall Reconstruction project within the municipality.

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

Section 1 – That the City of Avon does hereby give consent to the Director of Ohio Department of Transportation (ODOT) to move forward with the above noted Noise Wall improvements.

Section 2 - The City of Avon shall cooperate with the Director of Transportation in the above described project as follows:

No Funds are required from the City of Avon except that the City agrees to assume and bear one hundred percent (100%) of the total cost for added construction items requested by the City and not necessary for the improvements as determined by the State of Ohio and the Federal Highway Administration.

Section 3 - The City of Avon agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

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 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

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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 5 - 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 participate in the noise wall reconstruction project offered by ODOT; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara J. Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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