

ORDINANCE NO. 38-16

**AN ORDINANCE GRANTING CONSENT TO THE DIRECTOR OF
TRANSPORTATION TO PERFORM RESURFACING ON STATE ROUTE 83 FROM
DETROIT ROAD TO US 6 INCLUDING RESURFACING ON APPROXIMATELY 1.52
MILES OF ROAD LOCATED WITHIN THE AVON CORPORATION LIMITS
PID NO. 92880 AND PROJECT NAME: LOR-SR 0083 17.94
AND DECLARING AN EMERGENCY**

WHEREAS, the State of Ohio, Director of Transportation, has identified the need to perform resurfacing on State Route 83 from Detroit Road to US 6 which includes resurfacing approximately 1.52 miles located within the Avon Corporation limits (PID NO. 92880; LOR-SR-0083 17.94); and

WHEREAS, the project is currently scheduled for the calendar year of 2016 and;

WHEREAS, Council finds that moving forward with the project is in the best interests of the health, safety and welfare of the motoring public and the citizens of Avon.

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

Section 1 – Consent Statement. The City of Avon hereby gives its consent to the project being proposed by the Director of Transportation, i.e., to perform resurfacing on State Route 83 from Detroit Road to US 6 which includes resurfacing of approximately 1.52 miles located within the Avon Corporation limits (PID NO. 92880; LOR-SR-0083 17.94), said project being in the public interest.

Section 2 – Cooperation Statement. The City shall cooperate with the Director of Transportation for the portion of this project within the Avon Corporation limit, as follows:

- 1) NOACA agrees to assume and bear eighty percent (80%) of the roadway construction and construction engineering costs;
- 2) The City agrees to assume and bear twenty percent (20%) of the road construction and construction engineering costs;
- 3) NOACA and the City agree that the following roadway construction items are eligible for 80%NOACA/20%City funding: pavement planing, asphalt overlay, treatment of shoulder, height adjustment to existing guardrail, temporary and fast dry pavement markings, mailbox supports & approaches, work zone signs, adjustments to catch basins, manholes, valve boxes, partial & full depth pavement repairs, curbs, curb ramps, sidewalks, city owned signs, guardrail-replacement of existing and required new locations, etc.

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- 4) The city has agreed to pay 100% of the costs for a northbound right turn lane on SR 83 to go east onto IR90. This commitment is from the Interchange Justification Study for the new interchange at Lear-Nagel.
- 5) A preliminary cost estimate for the city's share of this project is \$200,000 for construction costs and \$6,000 for construction engineering (inspection).
- 6) The Finance Director currently has funds available in the SR 83 Resurfacing Project Fund No. 481 to meet the City's obligations under this agreement. However, should additional obligations arise, the Finance Director is authorized to transfer funds from General Fund No. 101 to Fund No. 481 to meet those obligations.

Section 3 – Authority to Sign. The Mayor of the City of Avon is hereby empowered on behalf of the City to enter into contracts with the Director of Transportation necessary to complete the above-described project.

Section 4 – Maintenance. Upon completion of the described Project, and unless otherwise agreed, the City shall:

- 1) Provide adequate maintenance for the described Project in accordance with all applicable state and federal law;
- 2) Provide ample financial provisions, as necessary, for the maintenance of the described project;
- 3) Maintain the right-of-way, keeping it free of obstructions; and hold said right-of-way inviolate for public highway purposes.

Section 5 – Utilities and Right-of-Way Statement. The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 6 – 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 7 - That this Ordinance is hereby declared to be an emergency measure 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 of the City to enact consent legislation to permit the Director of Transportation to complete the aforementioned project during the calendar year of 2016; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

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PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. 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:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

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

**CERTIFICATE OF COPY
STATE OF OHIO**

The City of Avon of Lorain County, Ohio

I, Ellen R. Young, as Clerk of the City of Avon of Lorain County, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 38-16 adopted by the legislative Authority of the said City of Avon on the _____ day of _____, 2016.

That the publication of such Ordinance No. 38-16 has been made and certified of record according to Law; that no proceedings looking to a referendum upon such Ordinance No. 38-16 have been taken; and that such Ordinance No. 38-16 and certificate of publication thereof are of record in of Ordinance No. 38-16, page 2.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 2016.

Ellen R. Young, Clerk of Council

(CITY SEAL)

City of Avon of Lorain County, Ohio

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.")

The foregoing is accepted as a basis for proceeding with the project herein described.
For the City of Avon of Lorain County, Ohio.

Attested: _____ Date _____
Bryan K. Jensen, Mayor

For the State of Ohio

Attested: _____ Date _____
(Director, Ohio Department of Transportation)