

**ORDINANCE NO. 49-16**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
COOPERATIVE AGREEMENT WITH THE CITY OF NORTH  
RIDGEVILLE FOR THE CONSTRUCTION OF A ROUNDABOUT  
AT STATE ROUTE 83 AND MILLS ROAD  
AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Avon and the City of North Ridgeville are desirous of improving their respective communities as well as bringing benefit to the traveling public in general by replacing the increasingly congested existing traditional crossroad intersection located on the boundary of the two municipalities at State Rt. 83 (Center Road) and Mills Road with a continuous flowing circular traffic roundabout (“the roundabout project”); and

**WHEREAS**, Avon and North Ridgeville intend to submit an application to the State of Ohio Public Works Commission and the Ohio Department of Transportation (as well as any other viable sources of public grant monies) for a grant of funds in the maximum amount available which shall be expended to satisfy the costs of the Roundabout Project, and;

**WHEREAS**, the participating municipalities wish to equally divide any costs incurred in all aspects of the development, construction and completion of the Roundabout Project after application of any grant funds obtained, including the cost of preliminary engineering plans and the preparation of bid specifications; and

**WHEREAS**, the City of Avon and the City of North Ridgeville have determined that the City of North Ridgeville shall act as the Lead Agent for the project relative to the preparations for and construction of a traffic roundabout at the intersection of Mills Road and State Route 83 (Center Road) which will further the health, safety and welfare of both communities in upgrading its transportation facilities.

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

Section 1 - That the Mayor is hereby authorized and directed to execute a Cooperative Agreement (attached hereto and incorporated herein as Exhibit A) with the City of North Ridgeville for preparation of engineering plans and specifications, right-of-way acquisition, environmental permitting, public bidding, construction and maintenance related to the installation of a traffic roundabout at the intersection of Mills Road and State Route 83 (Center Road).

Section 2 - Council hereby authorizes the Finance Director to transfer funds from the General Fund No. 101 to the State Route 83-Mills Road Roundabout Fund No. 482 in the amount of One Hundred Thousand Dollars (\$100,000.00) to cover the City’s share of the cost of preparing engineering plans and specifications for this project. Council further authorizes the Finance Director to make payments from Fund No. 482 to meet the City’s obligations as set forth herein.

Section 3- 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

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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 4 - 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 enter into a cooperative agreement with the City of North Ridgeville for preparation of engineering plans and specifications and other matters related to the improvement of State Route 83 and Mills Road (the roundabout) as described herein; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

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

ATTEST:

\_\_\_\_\_  
Ellen R. Young  
Clerk of Council

Posted: \_\_\_\_\_  
In Five Places as  
Provided by Council

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