

ORDINANCE NO. 95-20

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AND DONATION LETTER TO CONVEY A RIGHT OF WAY EASEMENT TO THE CITY OF NORTH RIDGEVILLE, OHIO OVER A PORTION OF PERMANENT PARCEL NOS. 04-00-013-000-125 AND 04-00-013-000-136 FOR THE RECONSTRUCTION OF THE MILLS ROAD BRIDGE OVER FRENCH CREEK AND DECLARING AN EMERGENCY

WHEREAS, the bridge on Mills Road over French Creek was built in 1928 and recent inspections and analyses have indicated that the deck slab is in disrepair and the foundations are in need of redesign to carry current highway loads; and

WHEREAS, both Avon and North Ridgeville desire to see this bridge replaced; and

WHEREAS, the City of North Ridgeville applied for a grant through the Ohio Department of Transportation's (ODOT) Municipal Bridge Program to replace the existing single span concrete slab bridge with a single span three-sided box culvert and headwalls of the same span dimension and both cities will apply for a TID grant (Transportation Improvement District); and

WHEREAS, the total estimated construction cost, including construction and construction inspection, is estimated to be approximately \$1.1 Million (\$1,089,728.17) Dollars. The total grant funding is estimated to be approximately Six Hundred Twenty Thousand (\$620,000.00) Dollars; and

WHEREAS, Ordinance No. 38-19 passed by Council on April 17, 2019 authorized the City to contribute Fifty Thousand Dollars (\$50,000) towards, among other things, revised engineering design costs; and

WHEREAS, it is now necessary to convey to North Ridgeville a right of way easement along the north side of the project to facilitate work on two parcels owned by the City of Avon and abutting the site on the northeast and the northwest banks of the French Creek; and

WHEREAS, Avon City Council finds that it is in the best interest of the health, safety and welfare of the Community for the City of Avon to cooperate with the City of North Ridgeville to replace the Mills Road Bridge with a new Replacement Bridge over French Creek by agreeing to donate a right of way easement over portions of land owned by the city of Avon adjacent to the northeast and northwest banks of the French Creek.

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

Section 1 - That the Mayor is hereby authorized to execute the Donation Letter and Right of Way easement to the City of North Ridgeville to enable construction of the Mills Road Replacement Bridge over French Creek. A copy of said Donation Letter (Exhibit A) and Right of Way Easement (Exhibit B) are attached hereto and incorporated herein by this reference.

Section 2 - 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, or otherwise in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 - That this Ordinance 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 for the City to donate a right of way easement to the City of North Ridgeville over two parcels of land Avon owns on the north side of the proposed new bridge over French Creek on Mills Road before the October 15, 2020 cut-off date for funding this project; therefore, this Ordinance shall be in full force and effect immediately 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

Posted: _____
In Five Places as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director, City of Avon