

ORDINANCE NO. 12-21

**AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF AVON TO
CONSENT TO PAVEMENT RESURFACING AND ASSOCIATED IMPROVEMENTS
ALONG CERTAIN SECTIONS OF STATE ROUTE 254 (DETROIT ROAD) BY THE
OHIO DEPARTMENT OF TRANSPORTATION (ODOT)
AND DECLARING AN EMERGENCY**

WHEREAS, the Ohio Department of Transportation (ODOT) has determined that pavement surface conditions along State Route 254 (Detroit Road) throughout the City of Avon have degraded to a point that the resurfacing of the roadway is warranted under ODOT's Urban Paving Program; and

WHEREAS, the City of Avon and ODOT have determined that such a project shall be done in two phases with the first phase completed in the year 2020, via Ordinance 40-20 passed on April 13, 2020, and the second phase planned for completion in the year 2021; and

WHEREAS, the City of Avon and ODOT have determined that the extents of a State Route 254 Urban Paving Program Phase Two project shall extend from approximately eight hundred feet east of Avon Commons Drive to approximately four hundred feet east of Nagel Road; and

WHEREAS, State Route 254 Urban Paving Program Phase Two project will not include the portion of Detroit Road that is slated to be improved in 2023 as part of the S.R. 83 (Center Rd.) & S.R. 254 (Detroit Rd.) intersection improvement project, ODOT PID No. 111283, which extends along Detroit Rd. from four hundred feet east of Clifton Way to approximately eight hundred feet east of Avon Commons Drive; and

WHEREAS, at this time the Ohio Department of Transportation has requested the Avon City Council to grant its consent relative to the Urban Paving Program Phase Two project to allow said work to be completed in accordance with the Consent Legislation document attached hereto and marked as Exhibit A; and

WHEREAS, the Phase Two project will consist of resurfacing Detroit Road (State Route 254) including the removal via planing of the asphalt surface course, base repairs where warranted, placement of a new asphalt surface course, replacement of pavement markings and upgrades to deficient curb ramp installations at intersections; 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 Urban Paving Program Phase Two project known as LOR 0254 06.39 PID No. 110096 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 improvements.

Section 2 – That the City of Avon shall cooperate with the Director of Transportation in the

above described project as follows:

- 1) *ODOT agrees to assume and bear one hundred percent (100%) of the preliminary engineering costs, and environmental studies costs.*
- 2) *ODOT agrees to assume and bear eighty percent (80%) of the roadway construction and construction engineering costs;*
- 3) *The City agrees to assume and bear twenty percent (20%) of the roadway construction and construction engineering costs;*
- 4) *ODOT and the City agree that the following roadway construction items are eligible for 80% ODOT / 20% City funding: Pavement planing, asphalt overlay, treatment of shoulder, height adjustment to existing guardrail, pavement markings, temporary and fast dry, adjustments to catch basins, manholes, valve boxes, etc., mailbox supports & approaches, and work zone signs.*
- 5) *ODOT agrees to assume and bear one hundred percent (100%) of the bridge related costs.*
- 6) *The City further agrees to pay One Hundred Percent (100%) of the cost of the following construction items: Pavement repair partial & full depth, curbs, curb ramps, sidewalks, city owned signs, guardrail- replacement of deficient existing & required new locations, Portable changeable message signs, and those items requested by the City which are determined to be unnecessary by the State or Federal Highway Administration for the intent of this project.*
- 7) *A preliminary cost estimate for the city's share of this project is \$244,200, for construction costs and \$17,600 for construction engineering (inspection).*
- 8) *Provide adequate maintenance for the described Project in accordance with all applicable state and federal law;*
- 9) *Provide ample financial provisions, as necessary, for the maintenance of the described project;*
- 10) *Maintain the right-of-way, keeping it free of obstructions; and hold said right-of- way inviolate for public highway purposes.*
- 11) *If city owned utilities, within a corporation limit or in a private easement outside corporation limits, need to be relocated due to this ODOT project, the city will be reimbursed for any relocation work; ODOT will perform the coordination, relocation, and reimbursement which shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.*
- 12) *If other public and private utilities need to be relocated due to this ODOT project they will not be reimbursed for relocation; with exceptions due to an easement, etc.*

Section 3 – Pursuant to Paragraph 7, above, the Finance Director is hereby authorized to appropriate the sum of \$261,800 from the General Fund No. 101 and transfer said monies to Fund No. 419, the 2020 Road Program Fund to meet the obligations set forth herein. In addition, the Finance Director is authorized to increase this appropriation by a reasonable amount for engineering and legal fees associated with this project.

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 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 substantially complete the resurfacing of a portion of State Route 254 (Detroit Road), LOR 0254 06.39 PID No. 110096, to the Phase Two extents described herein during the 2021 construction season; 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