

ORDINANCE NO. 11-22

**AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF AVON TO
CONSENT TO LIGHTING LUMINAIRE REPLACEMENTS AND ASSOCIATED
IMPROVEMENTS ALONG CERTAIN SECTIONS OF INTERSTATE 90 BY
THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT)
AND DECLARING AN EMERGENCY**

WHEREAS, the Ohio Department of Transportation (ODOT) has provided notification to the City of Avon that it intends to perform a lighting luminaire replacement project at certain locations along I-90 within the City of Avon, Lorain County; and

WHEREAS, ODOT has determined that such a project shall be planned to begin and be completed during the summer of 2023; and

WHEREAS, ODOT has requested that the City of Avon provide consent for the project to be undertaken within its municipal boundaries; and

WHEREAS, ODOT has determined that due to the nature of the project that no funds are required from the City of Avon to carry out the project unless the City requests additional improvements be added to the project; 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 said project officially known as D03 LG FY2023(A) PID No. 108008 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 hereby gives its consent to the Director of Ohio Department of Transportation (ODOT) to move forward with the above-noted improvements (Project D03 LG FY2023(A) PID No. 108008).

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

- 1) *No funds are required from the City 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 improvement as determined by the State and the Federal Highway Administration;*
- 2) *Provide adequate maintenance for the described Project in accordance with all applicable state and federal law;*
- 3) *Provide ample financial provisions, as necessary, for the maintenance of the described project;*

- 4) *Maintain the right-of-way, keeping it free of obstructions; and hold said right-of-way inviolate for public highway purposes.*
- 5) *The City shall complete the attached [Exhibit A](#) legislation document and return it along with a certified ordinance by U.S. Mail to the ODOT Director's attention;*

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 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 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 provide a response back to ODOT within its requested timeframe; 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