

ORDINANCE NO. 35-23

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN
ADDENDUM TO THE COOPERATIVE AGREEMENT WITH THE CITY OF NORTH
RIDGEVILLE FOR THE CONSTRUCTION OF A TRAFFIC ROUNDABOUT
AT THE INTERSECTION OF STONEY RIDGE ROAD,
MILLS ROAD, AND AVALON DRIVE
AND DECLARING AN EMERGENCY**

WHEREAS, Avon City Council passed Ordinance No. 83-21 on October 25, 2021 to authorize the Mayor to enter into a Cooperative Agreement with the City of North Ridgeville for the construction of a traffic roundabout at the intersection of Stoney Ridge Road, Mills Road and Avalon Drive, (the Project); and

WHEREAS, the Cooperative Agreement entered into specifically designated North Ridgeville as the "Lead Agency" for the construction of the above-referenced project in accordance with the provisions of Ohio Revised Code 727.41 and 5557.09 and applicable local ordinances; and

WHEREAS, the Cooperative Agreement sets forth the duties and responsibilities of the "Lead Agency" to include the construction, contracting, and certain maintenance and landscaping obligations associated with the project; and

WHEREAS, the Cooperative Agreement is substantially similar to a Cooperative Agreement between the Parties entered into for the roundabout at Mills Road and State Route 83 (See, Ord. No. 49-16, passed May 9, 2016); and

WHEREAS, under both Cooperative Agreements, the necessary appropriation of real property required for the project was/is the responsibility of the Lead Agency; and

WHEREAS, City Council finds that for purposes of clarification, an Addendum to the current Cooperative Agreement clearly delineating the City of North Ridgeville, the Lead Agency, as being responsible for the appropriation of real property for the roundabout project is necessary for legal and practical purposes and, therefore, is in the best interest of the health, safety and welfare of both communities in moving forward with upgrading their transportation facilities.

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

Section 1 - The Mayor of the City of Avon is hereby authorized to enter into an Addendum to the Cooperative Agreement with the City of North Ridgeville, a copy of which is attached hereto, and marked Exhibit A and incorporated herein by reference, to clarify that the Lead Agency (North Ridgeville) is assigned the duty and responsibility of appropriating all real property for this project and in keeping with Ohio Revised Code Chapter 719.

Section 2 - It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

Section 3 - 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 an Addendum to the Cooperative Agreement with the City of North Ridgeville clearly defining their authority, as Lead Agency, to appropriate real property for the project and to begin doing so, if necessary, as soon as practicable; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: March 13, 2023 DATE SIGNED: March 13, 2023

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: March 14, 2023

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks, Clerk of Council

Posted: March 15, 2023
Electronically and at City Hall as
Provided by Council

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

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 35-23, passed by the Council of said City on March 13, 2023.

IN WITNESS WHEREOF, I have on this 14th day of March, 2023, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio

EXHIBIT A TO ORDINANCE NO. 35-23

ADDENDUM TO THE COOPERATIVE AGREEMENT BETWEEN THE CITY OF NORTH RIDGEVILLE AND THE CITY OF AVON, OHIO, FOR THE CONSTRUCTION OF A TRAFFIC ROUNDABOUT AT THE INTERSECTION OF STONEY RIDGE ROAD, MILLS ROAD, AND AVALON DRIVE.

THIS ADDENDUM TO THE COOPERATIVE AGREEMENT BETWEEN THE CITY OF NORTH RIDGEVILLE AND THE CITY OF AVON, OHIO, FOR THE CONSTRUCTION OF A TRAFFIC ROUNDABOUT AT THE INTERSECTION OF STONEY RIDGE ROAD, MILLS ROAD, AND AVALON DRIVE is entered into this 5 day of April, 2023 and effective immediately by and between the City of North Ridgeville, Ohio ("North Ridgeville"), an Ohio municipal corporation, having an address of 7037 Avon Belden Road, North Ridgeville, Ohio 44139 and the City of Avon, Ohio, an Ohio municipal corporation having an address of 36080 Chester Road, Avon, Ohio 44011 ("Avon"), collectively known as "the Parties".

WHEREAS, the Parties previously entered into a Cooperative Agreement for the Construction of a Traffic Roundabout at the Intersection of Stoney Ridge Road, Mills Road, and Avalon Drive (the Project);

WHEREAS, the Cooperative Agreement entered into specifically designated North Ridgeville as the "Lead Agency" for the construction of the above cited Project in accordance with provisions of Ohio Revised Code 727.41 and 5557.09 and applicable local ordinances;

WHEREAS, the Cooperative Agreement set forth the duties and responsibilities of the "Lead Agency" to include the construction, contracting, and certain maintenance and landscaping obligations;

WHEREAS, the Cooperative Agreement is substantially similar to a Cooperative Agreement between the Parties for another roundabout previously constructed on Mills Road and State Route 83;

WHEREAS, under both Cooperative Agreements, the necessary appropriation of real property for the roundabout Project is part of and included in the responsibilities of the Lead Agency.

NOW THEREFORE, the Parties hereto mutually confirm, affirm and agree as follows:

1. For purposes of clarification, the Cooperative Agreement entered into between the Parties specifically assigns the Lead Agency with the duty and responsibility to seek appropriation of real property as set forth in the Project documents and in keeping with Ohio Revised Code Chapter 719.
2. This Addendum shall be binding upon and inure to the benefit of the Parties and their respective successors and permitted assigns.
3. The undersigned representatives of each of the municipal entities hereby represents and warrants that he/she is the duly authorized executive officer or agent of such party, that each Party has approved the Cooperative Agreement by appropriate legal and legislative action, and that this Addendum constitutes a valid and binding contract and agreement properly undertaken and binding upon each of the Parties.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the Parties hereto have executed this Addendum the day and year first above written.


CITY OF NORTH RIDGEVILLE

Signed in the presence of:

Tissy Simon

Tissy Simon

Print Name

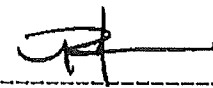

North Ridgeville Mayor, Kevin Corcoran

CITY OF AVON

Signed in the presence of:


Barbara Brooks

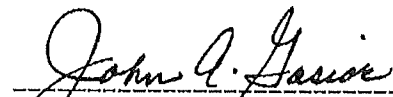
Barbara Brooks
Print Name, Clerk of Council


Avon Mayor, Bryan K. Jensen

CERTIFICATION OF LAW DIRECTORS

I hereby certify that I have reviewed and approve the form of the foregoing Addendum.

 3/30/23
Brian Moriarty Date
Law Director for City of
North Ridgeville

 3/19/23
John Gasior Date
Law Director for City of
Avon

DATE:	<u>March 6, 2023</u>	1 ST READING:	<u>March 6, 2023</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>Dispensed</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 25-2023</u>	ADOPTED:	<u>March 6, 2023</u>
		EMERGENCY:	<u>March 6, 2023</u>
		EFFECTIVE:	<u>March 6, 2023</u>

ORDINANCE NO. 6046-2023

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE
CITY OF NORTH RIDGEVILLE TO ENTER INTO AN
ADDENDUM TO THE PREVIOUSLY PASSED
COOPERATIVE AGREEMENT BETWEEN THE CITY OF
NORTH RIDGEVILLE AND THE CITY OF AVON AND
DECLARING AN EMERGENCY.**

WHEREAS, by Ordinance No. 5873-2021, the City of North Ridgeville was authorized to enter into a Cooperative Agreement with the City of Avon for the construction of a “peanut shaped” traffic roundabout at the intersection of Stoney Ridge Road, Mills Road, and Avalon Drive; and

WHEREAS, the Cooperative Agreement specifically notes that the “Lead Agency” is the City of North Ridgeville, and sets forth the duties and responsibilities of the Lead Agency, which includes construction, contracting, and certain maintenance and landscaping obligations; and

WHEREAS, the Cooperative Agreement as previously passed stated that “This Agreement may be amended or modified only by a duly authorized written agreement between the parties that may provide for such additional terms and conditions as may be later agreed upon for the joint construction of the referenced project”; and

WHEREAS, the Addendum to the Cooperative Agreement clarifies that the Cooperative Agreement specifically assigns the Lead Agency with the duty and responsibility to seek appropriation of real property as set forth in the Project documents and in keeping with Ohio Revised Code Chapter 719.

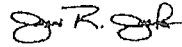
NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The Mayor of the City of North Ridgeville is hereby authorized to enter into an Addendum to the previously passed Cooperative Agreement (via Ordinance No. 5873-2021) between the City of North Ridgeville and the City of Avon. A copy of the Addendum is attached hereto and marked as Exhibit A.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

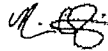
SECTION 3. This Ordinance is hereby declared to be an emergency measure, the emergency being in order to name the lead agency to start the "peanut shaped" traffic roundabout project. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: March 6, 2023



Jason R. Jacobs
PRESIDENT OF COUNCIL

ATTEST :



Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: Mar 09, 2023



Kevin Corcoran
MAYOR