

**ORDINANCE NO. 86-23**

**AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF AVON TO  
CONSENT TO THE RECONSTRUCTION AND WIDENING OF PAVEMENT &  
ASSOCIATED IMPROVEMENTS ALONG CERTAIN SECTIONS OF INTERSTATE  
ROUTE 90 (IR-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 reconstruct and widen pavement in the City of Avon in Lorain County. This project includes Interstate Route 90 (IR-90) from Straight Line Milage (SLM) 10.76 (Ohio Turnpike Connector) to SLM 18.611 (SR 611 interchange) and SR 2 from SLM 10.71 (Murray Ridge Rd Bridge) to 11.23 (Merge with IR 90). IR 90 from SLM 17.855 to SLM 18.611 is within City limits; and

**WHEREAS**, ODOT has determined that such a project shall be planned to begin during the summer of 2025 and be completed during the summer of 2027; 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 construct 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 PID No. 107714, LOR IR 0090 10.76 within the municipality in a timely fashion.

**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 shall consent to and cooperate with the Director of Transportation in the above-described project as follows:

- 1) *The City of Avon hereby gives its consent for the above noted improvement;*
- 2) *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;*
- 3) *Provide adequate maintenance for the described Project in accordance with all applicable state and federal law;*
- 4) *The city shall not be held responsible for the maintenance of the interstate route;*

- 5) *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;*
- 6) *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.;*
- 7) *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 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, 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 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 to enable ODOT to begin preparations for the work to be performed; 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

Ordinance No. 86-23 (Con't)

ATTEST:

\_\_\_\_\_  
Barbara Brooks, Clerk of Council

Posted: \_\_\_\_\_  
Electronically and at City Hall as  
Provided by Council

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