

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: July 10, 2023 DATE SIGNED: July 10, 2023

By: Brian Fischer
Brian Fischer, Council President

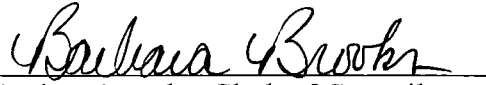
DATE APPROVED BY THE MAYOR: July 11, 2023

[Signature]
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:



Barbara Brooks, Clerk of Council

Posted: July 11, 2023
Electronically and at City Hall as
Provided by Council

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

I, Gail A. Hayden, Assistant Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 86-23, passed by the Council of said City on July 10, 2023.

IN WITNESS WHEREOF, I have on this 11th day of July, 2023, affixed my signature and official seal of the Clerk of Council of the City of Avon, Ohio.



Gail A. Hayden, Assistant Clerk of the Council of the City of Avon, Ohio

EXHIBIT A

EXHIBIT A TO ORDINANCE NO. 86-23

CONSENT LEGISLATION

Ordinance/Resolution No.	<u>Ordinance 86-23</u>
	<u>PID No. 107714</u>
Project Name	<u>LOR IR 0090 10.76</u>

The following Ordinance 86-23 enacted by the City of Avon of Lorain County, Ohio,
(Ordinance/Resolution)
hereinafter referred to as the City, in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the State has identified the need for the described project:

To reconstruct and widen pavement in the City of Avon in Lorain County. This project includes Interstate Route 90 from 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.

This project is currently scheduled to be constructed between the spring of 2025 and the summer of 2027.

NOW THEREFORE, be it ordained by the City of Avon of Lorain County, Ohio.

SECTION II - Consent Statement

Being in the public interest, the City gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The City shall cooperate with the Director of Transportation in the above described project as follows:

- 1) *The City gives consent for the above 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.*

SECTION IV - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the City shall:

- 1) *The city shall not be held responsible for the maintenance of the interstate route*

SECTION V – Utilities and Right-of-Way Statement

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.

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 VI - Authority to Sign

The Bryan K. Jensen, Mayor of said City of Avon is hereby empowered on behalf
(Contractual Agent)

of the City of Avon to enter into contracts with the Director of Transportation necessary to complete the above described project.

Passed: July 10, 2023
(Date)

Attested: _____ Bryan K. Jensen, Mayor
(Clerk) (Officer of City - title)

Attested: Gail A. Hayden _____
(Title) Asst. Clerk of Council (Mayor)

This Ordinance 86-23 is hereby declared to be an emergency measure to expedite the highway
(Ordinance/Resolution) project and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO
City of Avon of Lorain County, Ohio

Gail A. Hayden Asst. Clerk
I, ~~Barbara J. Brooks~~, as Clerk of the City of Avon of Lorain County, Ohio,

Do hereby certify that the foregoing is a true and correct copy of Ordinance 86-23 adopted by
(Ordinance/Resolution)
the legislative Authority of the said City of Avon on this 10th day of July, 2023,
that the publication of such Ordinance 86-23 has been made and certified of record according to
(Ordinance/Resolution)
law; that no proceedings looking to a referendum upon such Ordinance 86-23 have been taken;
(Ordinance/Resolution)
and that such Ordinance 86-23 and certificate of publication thereof are of record in
(Ordinance/Resolution)
Ordinance 86-23, Page _____.
(Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 11th day of July, 2023,

(SEAL)
(If Applicable)

Gail A. Hayden
~~Barbara J. Brooks~~ Clerk Signature
Gail A. Hayden
City of Avon of Lorain County, Ohio.

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Avon of Lorain County, Ohio

Attest: Gail A. Hayden _____, Date July 11, 2023
Contractual Officer Bryan K. Jensen, Mayor