

ORDINANCE NO. 51-24

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF AVON TO CONSENT TO A PAVEMENT MAINTENANCE PROJECT ON INTERSTATE ROUTE 90 (I-90) BY THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Department of Transportation (“ODOT”) has determined the need to perform a pavement maintenance project on Interstate Route 90, (I-90), including pavement repairs from Straight Line Mile (SLM) 10.76 (Ohio Turnpike Connector) to SLM 18.611 (SR 611 interchange). I-90 from SLM 17.855 to SLM 18.611 is within the Avon City Limits; and

WHEREAS, ODOT has stated that the project is scheduled to take place during the summer of 2024; and

WHEREAS, ODOT has requested the Avon City Council grant its consent to allow said work to be completed in accordance with the Consent Legislation document attached hereto and marked as Exhibit A; 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 the I-90 Pavement Maintenance Project known as LOR IR 0090 10.76, PID 121676 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 shall consent to and cooperate with the Director of Transportation in the above-described project as follows:

- a) The City of Avon hereby gives it consent for the above noted improvements.*
- b) No Funds are required from the City of Avon 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 improvements as determined by the State of Ohio and the Federal Highway Administration.*
- c) The City of Avon shall not be held responsible for the maintenance of the interstate route.*
- d) 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.

- e) 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.*
- f) The City of Avon agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.*
- g) The City of Avon 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 expedite the highway project and to promote highway safety; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: April 22, 2024 DATE SIGNED: April 22, 2024

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: April 23, 2024

BKJ
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

Ordinance No. 51-24 (Con't)

ATTEST:


Barbara Brooks, Clerk of Council

Posted: April 25, 2024
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. 51-24, passed by the Council of said City on April 22nd, 2024.

IN WITNESS WHEREOF, I have on this 24nd day of April 2024, affixed my signature and official seal.

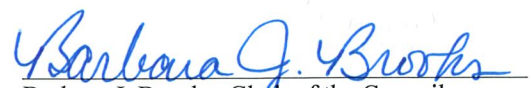

Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio

EXHIBIT A

EXHIBIT A TO ORDINANCE NO. 51-24

CONSENT LEGISLATION

Ordinance/Resolution No. Ordinance 51-24
PID No. 121676
Project Name LOR IR 0090 10.76 RM

The following Ordinance 51-24 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 perform pavement repairs 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). IR 90 from SLM 17.855 to SLM 18.611 is within City limits.

This project is currently scheduled to be constructed in summer of 2024.

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*

PID No. 121676
Project Name LOR IR 0090 10.76 RM

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.

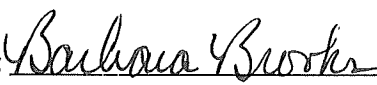
If other public and private utilities need to be relocated due to this ODOT project they will not be reimbursed for relocation; with exceptions due to an easement, etc.

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: April 22, 2024, 2024.
(Date)

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

Attested:  
ASSISTANT CLERK (Title) OF COUNCIL (Mayor)

This Ordinance 51-24 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

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 51-24 adopted by
the legislative Authority of the said City of Avon on this 22nd ^(Ordinance/Resolution) day of April, 2024,

that the publication of such Ordinance 51-24 has been made and certified of record according
to

^(Ordinance/Resolution)

law; that no proceedings looking to a referendum upon such Ordinance 51-24 have been
taken;

^(Ordinance/Resolution)

and that such Ordinance 51-24 and certificate of publication thereof are of record in
^(Ordinance/Resolution)

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^(Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal, if applicable, this 23rd day of April, 2024,

(SEAL)
(If Applicable)

Barbara J. Brooks
Clerk Signature Barbara J. Brooks
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: Barbara Brooks [Signature], Date 4-23-24
Contractual Officer
Bryan K. Jensen, Mayor