

ORDINANCE NO. 78-24

**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 (I-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 Interstate 90 (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 2025; 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 LOR IR 0090 20.20 PID No. 105555 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 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 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.*

- 6) *Maintain the existing lighting poles, existing light pole foundations, all wiring and conduits, LED luminaires, and pay for all electric usage for these said conventional lighting along SR 0083 within the city of Avon.*

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; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: August 5, 2024 DATE SIGNED: August 5, 2024

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: August 6, 2024

[Signature]

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: August 8, 2024
Electronically and at City Hall as
Provided by Council

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

CONSENT LEGISLATION

EXHIBIT A TO ORDINANCE NO. 78-24

EXHIBIT A

Ordinance/Resolution No. 78-24
PID No. 105555
Project Name LOR IR 0090 20.20

The following 78-24 enacted by the City of Avon of Lorain County, Ohio,
(Ordinance/~~XXXXXX~~)
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 systematic lighting upgrades at Interstate Route 0090 SLM 20.20 (0083) on all interstate ramps within the City of Avon in Lorain County.

To perform LED luminaire replacements (120V) on the existing conventional lighting on SR 0083 near IR 0090 and change the wiring voltage to 120V and then tie the wiring to the City of Avon's existing power supply which will then become responsibility of the City of Avon along with electrical usage within the City of Avon in Lorain County.

This project is currently scheduled to be constructed in the summer of 2025.

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) *Provide adequate maintenance for the described Project in accordance with all applicable state and federal law;*
- 2) *Provide ample financial provisions, as necessary, for the maintenance of the described project;*
- 3) *Maintain the right-of-way, keeping it free of obstructions; and hold said right-of-way inviolate for public highway purposes.*
- 4) *Maintain the existing lighting poles, existing light pole foundations, all wiring and conduits, LED luminaires, and pay for all electric usage for these said conventional lighting along SR 0083 within the city of Avon.*

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 of said City of Avon is hereby empowered on behalf
(Contractual Agent) Mayor

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

Passed: August 5, 2024
(Date)

Attested: Baileux Brooks (Clerk) [Signature] (Officer of City - title) Mayor

Attested: [Signature] (Title) Asst. Clerk [Signature] (Mayor) Bryan K. Jensen

This 78-24 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 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 78-24 adopted by
(Ordinance/Resolution)
the legislative Authority of the said City of Avon on this XXXXXX day of XXXXXX, 2024,

that the publication of such 78-24 has been made and certified of record according to
(Ordinance/Resolution) XXXXXX
law; that no proceedings looking to a referendum upon such 78-24 have been taken;

and that such 78-24 and certificate of publication thereof are of record in
(Ordinance/Resolution) XXXXXX
78-24, Page XXXXXX.
(Ordinance/Resolution) XXXXXX

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal, if applicable, this 6th day of August, 2024.

(SEAL)
(If Applicable)

Barbara Brooks
Clerk Signature
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 JB, Date 8/6/24
Contractual Officer Mayor
