

ORDINANCE NO. 121-25

**AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF AVON TO
CONSENT TO A PREVENTATIVE MAINTENANCE BRIDGE DECK
SEALING PROJECT ON INTERSTATE ROUTE 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 preventative maintenance bridge deck sealing project, PID 118793, on Interstate Route 90 (I-90) within the Avon City Limits; and

WHEREAS, the four bridges included in the project are the I-90 bridges over Heider Ditch (left and right), approximately 1,350 feet west of Nagel Road, and the I-90 bridges over Porter Creek (left and right), approximately 2,800 feet east of Nagel Road; and

WHEREAS, the Ohio Department of Transportation 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, the Ohio Department of Transportation has stated that the project is scheduled to take place during the summer of 2027; 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 ODOT to complete the I-90 Bridge Deck Sealing Project known as PID 118793 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 does hereby give consent to the Director of Ohio Department of Transportation (ODOT) to move forward with the above noted improvements, viz., PID 118793, within the city limits.

Section 2 - The City of Avon shall cooperate with the Director of Transportation in the above-described project as follows:

- a) *The City gives consent for the above improvement,*
- b) *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. The city shall not be held responsible for the maintenance of the interstate route.*
- c) *Provide adequate maintenance for the described Project in accordance with all applicable state and federal law;*

- d) *Provide ample financial provisions, as necessary, for the maintenance of the described project;*
- e) *Maintain the right-of-way, keeping it free of obstructions; and hold said right-of-way inviolate for public highway purposes.*
- f) *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.*
- g) *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 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 by the granting of this consent and thereby promoting highway safety, therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

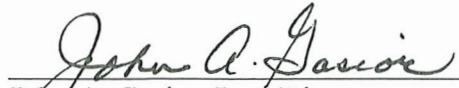
PASSED: December 15, 2025 DATE SIGNED: December 15, 2025

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: December 16, 2025

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:



John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:



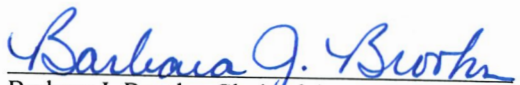
Barbara Brooks, Clerk of Council

Posted: December 18, 2025
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. 121-25, passed by the Council of said City on December 15, 2025.

IN WITNESS WHEREOF, I have on this 16th day of December 2025, affixed my signature and official seal.



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

CONSENT LEGISLATION

Ordinance/Resolution No. 121-25
PID No. 118793
Project Name D03 BH FY2027 (A)

The following 121-25 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:

Preventative Bridge Maintenance – Deck Sealing on structures on Interstate Route 90.

This project is currently scheduled to be constructed between April 2027 and September 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) *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.*

PID No. 118793
Project Name D03 BH FY2027 (A)

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: December 15, 2025.
(Date)

Attested: Barbara Brooks
(Clerk)

Joan A. Gasior
(Officer of City- title) Law Director

Attested: Barbara Brooks
(Title) Clerk of Council

JB
(Mayor)

This 121-25 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.

PID No. 118793
Project Name D03 BH FY2027 (A)

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 121-25 adopted by
(Ordinance/Resolution)
the legislative Authority of the said City of Avon on this 15th day of Dec., 2025,
that the publication of such 121-25 has been made and certified of record according to
(Ordinance/Resolution)
law; that no proceedings looking to a referendum upon such 121-25 have been taken;
(Ordinance/Resolution)
and that such 121-25 and certificate of publication thereof are of record in
(Ordinance/Resolution)
121-25, Page _____.
(Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal, if applicable, this 15th day of December 2025

(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 JA, Date 12/16/25
Contractual Officer Mayor