

ORDINANCE NO. 47-26

**AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF AVON TO
CONSENT TO A SPOT PAVEMENT REPAIR PROJECT ON THE STATE ROUTE
83 AND NAGEL ROAD INTERCHANGE RAMPS ALONG INTERSTATE ROUTE
90 BY THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT)
AND DECLARING AN EMERGENCY**

WHEREAS, the Ohio Department of Transportation has determined the need to perform pavement spot repairs at various locations including some of the ramps at the State Route 83 and Nagel Road Interchanges along Interstate Route 90, within the Avon City Limits; and

WHEREAS, ODOT has stated that the project is scheduled to take place during the summer of 2027; 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 Spot Pavement Repair Project known as PID 114982 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 Ohio Department 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 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 of Avon 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 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 expedite the highway project to meet Ohio Department of Transportation project schedules and to promote highway safety, therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

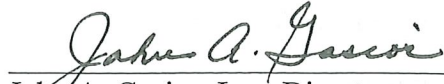
PASSED: April 27, 2026 DATE SIGNED: April 27, 2026

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: April 28, 2026

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:



John A. Gasior, Law Director

ATTEST:



Barbara Brooks, Clerk of Council

Posted: April 29, 2026
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. 47-26, passed by the Council of said City on April 27, 2026.

IN WITNESS WHEREOF, I have on this 28th day of April 2026, affixed my signature and official seal.



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

CONSENT LEGISLATION

Ordinance/Resolution No. 47-26

PID No. 114982

Project Name D03 RM FY2027

The following 47-26 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 spot locations of pavement repair on multiple routes throughout the district. This includes the ramps at IR 90 and SR 83 and the ramps at IR 90 at Nagle Rd in Lorain county. All interchange ramps to be included are within Avon corporation limits.

This project is currently scheduled to be constructed 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) *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.*

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: April 27, 2026.
(Date)

Attested: Barbara Brooks John A. Gasior
(Clerk) Clerk of Council (Officer of City- title) Law Director
Attested: Barbara Brooks JB Bryan K. Jensen
(Title) Clerk of Council (Mayor)

This Ord. No. 47-26 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 Ord. No. 47-26 adopted by
the legislative Authority of the said City of Avon on this 27th day of April, 2026
(Ordinance/Resolution)

that the publication of such Ord. No. 47-26 has been made and certified of record according to
(Ordinance/Resolution)
law; that no proceedings looking to a referendum upon such Ord. No. 47-26 have been taken;
(Ordinance/Resolution)
and that such Ord. No. 47-26 and certificate of publication thereof are of record in
(Ordinance/Resolution)

Ord. No. 47-26, Page _____.
(Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal, if applicable, this 28th day of April, 2026.

(SEAL)
(If Applicable)

Barbara J. 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 [Signature] Bryan K. Jensen, Date 4-28-26
Contractual Officer Mayor