

ORDINANCE NO. 108-14

**A ORDINANCE CONSENTING TO THE DIRECTOR OF TRANSPORTATION
COMPLETING REACTIVE PAVEMENT MAINTENANCE ON I-90
AND DECLARING AN EMERGENCY**

WHEREAS, the State of Ohio, Director of Transportation has identified the need to perform asphalt overlays on bridge decks within the limits of Interstate-90 including the two structures over State Route 57 and the two structures over West River Road; and

WHEREAS, this work includes asphalt deck patching at the two structures over the CSX railroad in the City of Avon, Lorain County; and

WHEREAS, the project is currently scheduled for the Spring 2015 construction season.

WHEREAS, Council finds the project to be in the best interests of the health, safety and welfare of the motoring public and the citizens of Avon and agrees that the City of Avon shall cooperate with the Director of Transportation in the above- described projects as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 - That the project being proposed by the Director of Transportation, i.e., the need to perform asphalt overlays on bridge decks within the limits of IR-90 including the two structures over SR 57 and the two structures over West River Road and asphalt deck patching at the two structures over the CSX railroad in the City of Avon, Lorain County, is in the public interest.

Section 2 - The City of Avon hereby gives its consent to the Director of Transportation to proceed with the aforesaid highway improvements.

Section 3 - No funds shall be required of 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 improvements as determined by the State and the Federal Highway Administration.

Section 4 - The City of Avon will maintain the right-of-way and keep it free of obstructions, and hold said right-of-way inviolate for public highway purposes.

Section 5 - The Mayor of the City of Avon is hereby empowered on behalf of the City to enter into contracts with the Director of Transportation necessary to complete the above-described project.

Section 6 - 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.

Section 7 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity of the City to enact consent legislation to permit the Director of Transportation to complete the aforementioned project during the summer of 2015; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen Mayor

APPROVED AS TO FORM:

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

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

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

**CERTIFICATE OF COPY
STATE OF OHIO**

The City of Avon of Lorain County, Ohio

I, Ellen R. Young, 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 No. 108-14 adopted by the legislative Authority of the said City of Avon on the _____ day of _____, 2014.

That the publication of such Ordinance No. 108-14 has been made and certified of record according to Law; that no proceedings looking to a referendum upon such Ordinance No. 108-14 have been taken; and that such Ordinance No. 108-14 and certificate of publication thereof are of record in of Ordinance No. 108-14, page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 2014.

Ellen R. Young, Clerk of Council

(CITY SEAL)

City of Avon of Lorain County, Ohio

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.")

The foregoing is accepted as a basis for proceeding with the project herein described.
For the City of Avon of Lorain County, Ohio.

Attested: _____ Date _____
Bryan K. Jensen, Mayor

For the State of Ohio

Attested: _____ Date _____
(Director, Ohio Department of Transportation)