

ORDINANCE NO. 52-13

**AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN
AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF
TRANSPORTATION FOR THE FUNDING AND CONSTRUCTION OF
THE CHESTER ROAD RELOCATION PROJECT
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Avon, a.k.a., the Local Public Agency (LPA), desires to construct roadway improvements in the vicinity of Chester Road and State Route 611, specifically, to relocate Chester Road at the intersection of State Route 611 to align it with Recreation Lane; and

WHEREAS, these improvements were approved by Planning Commission on October 17, 2012 by a vote of five (5) in favor and zero (0) opposed; and

WHEREAS, the City successfully obtained a commitment for financial and other assistance with this project from the Ohio Department of Transportation (ODOT); and

WHEREAS, in order to move forward with the project with the financial assistance of the State of Ohio, the City must enter into an “LPA Federal Local-Let Project Agreement” with ODOT for the funding and construction of this public improvement; and

WHEREAS, Council has had an opportunity to review this agreement and finds it to be in the best interests of the health, safety and welfare of the citizens of Avon and the motoring public in general for the Mayor to enter into said agreement with ODOT for the funding and construction of said improvements.

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

Section 1 - That the Mayor of the City of Avon (LPA) is hereby authorized to enter into an “LPA Federal Local-Let Project Agreement” with the Ohio Department of Transportation (ODOT) for the purpose of proceeding with the funding and construction of the Chester Road Relocation at State Route 611, PID No. 94622, in substantially the same form as that which is set forth in the attached Exhibit A and incorporated herein by this reference, the final contract to be approved by the Law Director.

Section 2 - That the Finance Director is hereby authorized to transfer up to Three Hundred and Seventy-Five Thousand Dollars (\$375,000) from the General Fund No. 101 to the Chester Road Relocation Fund No. 475 to cover all projected costs the City may incur as per said Agreement.

Section 3 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this

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Council, and that all deliberations of this Council and of any of its committees that resulted in such 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 proceed with the execution of a contract between the City and ODOT for the funding and construction of the relocation of Chester Road at State Route 611; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Daniel S. Zegarac, Council President

DATE APPROVED BY THE MAYOR: _____

James A. Smith, 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

**CERTIFICATE OF COPY
STATE OF OHIO**

City of Avon of Lorain County, Ohio

I, _____, 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. 52-13 adopted by the legislative Authority of the said City of Avon on the _____ day of _____, 2003, that the publication of such Ordinance No. 52-13 has been made and certified of record according to law, that no proceedings looking to a referendum upon such Ordinance No. 52-13 have been taken; and that such Ordinance No. 52-13 and certificate of publication thereof are recorded in Ordinance No. 52-13, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable this _____ day of _____, 2013.

CLERK

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: _____, Date _____

For the State of Ohio

Attest: _____, Date _____