

**ORDINANCE NO. 64-13**

**AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT  
WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION,  
FOR THE FUNDING AND CONSTRUCTION OF IMPROVEMENTS ON  
STATE ROUTE 611 BETWEEN I-90 AND STATE ROUTE 254  
AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Avon, a.k.a., the Local Public Agency (LPA) and the Ohio Department of Transportation (ODOT), desires to construct roadway improvements in the City of Avon, specifically, rehabilitation/painting of the bridge over Interstate 90 on State Route 611 and the resurfacing of State Route 611 from Interstate 90 to State Route 254; 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 a contract with ODOT for the funding and construction of these public improvements; and

**WHEREAS**, Council has had an opportunity to review this contract and the financial obligations incurred thereunder 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 a contract with the Ohio Department of Transportation (ODOT) for the purpose of proceeding with the funding and construction of the rehabilitation/painting of the bridge over Interstate 90 on State Route 611 and the resurfacing of State Route 611 from Interstate 90 to State Route 254, PID No. 83447, in substantially the same form as that which is set forth in the attached Exhibit A and incorporated herein by this reference.

Section 2 - That the Finance Director is hereby authorized to transfer the sum of Two Hundred, Seventy-Nine Thousand, Three Hundred Eleven (\$279,311.00) Dollars from the General Fund No. 101 to the State Route 611 Paving Project Fund No. 474 and the sum of Three Hundred, Fifty-Five Thousand, Four Hundred, Eighty-Seven (\$355,487.00) Dollars to the State Route 611 Bridge Rehabilitation Fund No. 476. The Finance Director is further authorized to issue one check from the total of these two funds in the amount of Six Hundred, Thirty-Four Thousand, Seven Hundred and Ninety-Eight (\$634,798.00), payable to the State of Ohio, Department of Transportation, to cover all projected costs the City may incur as per said Contract. The Finance Director is also authorized to increase the appropriations into each of

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these account by an amount sufficient to cover any additional legal and/or engineering charges incurred by the City on this project.

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 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 rehabilitation/painting of the bridge over Interstate 90 on State Route 611 and the resurfacing of State Route 611 from Interstate 90 to State Route 254; 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, President of Council

DATE APPROVED BY THE MAYOR: \_\_\_\_\_

\_\_\_\_\_  
James A. Smith, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
John A. Gasior, Law Director

ATTEST:

\_\_\_\_\_  
Ellen R. Young  
Clerk of Council

POSTED: \_\_\_\_\_  
In Five Places as  
Provided by Council