

RESOLUTION NO. R-19-13

A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING CONCRETE SIDEWALKS FOR THE 2013 SIDEWALK PROGRAM AND DECLARING AN EMERGENCY

WHEREAS, the Service Committee of Council has determined it is necessary to construct sidewalks on arterial and collector streets to promote safer pedestrian travel within the community; and

WHEREAS, pursuant to Section 1246.05 (a)(5), Council may require the installation of sidewalks between two (2) discernible points when over 75% of the front footage between those two (2) points is developed; and

WHEREAS, two (2) of the areas found to meet this qualification by the City Zoning Enforcement Officer and the Planning Coordinator are (1) Nagel Road from Augusta Way south to Reserve Way east side, approximately 185 LF and (2) Schwartz Road from Nagel Road east to Napa Boulevard south side, approximately 1,121 LF; and

WHEREAS, the City Engineer has provided an estimate of costs for the construction of said sidewalks; and

WHEREAS, Council, based upon the recommendations of the Service Committee, declares it necessary for the health, welfare and safety of the community that the City's 2013 sidewalk program move forward as soon as possible to insure safer pedestrian travel at these locations.

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

Section 1. That pursuant to Section 1246.05 (a)(5), Council declares it necessary to construct certain sidewalks in the City of Avon, Ohio, at the following locations:

- 1) Nagel Road from Augusta Way south to Reserve Way east side
(approximately 185 LF, an area 90% developed)
- 2) Schwartz Road from Nagel Road east to Napa Boulevard south side
(approximately 1,121 LF, an area 97% developed)

Section 2. That the estimate of costs for the construction of said sidewalks (\$25.00 per lineal foot) pursuant to City Design standards, currently on file in the Office of the Clerk of Council, are hereby approved. The Service Director is hereby authorized to enter into a contract, not to exceed the statutory competitive bid threshold, for the construction of said sidewalks pursuant to the Engineer's estimate of cost for that portion of the sidewalk that involves City property and/or for those portions of the sidewalk that remain uninstalled after the deadlines passes for installation by abutting property owners as set forth in this ordinance (below). Payment is to be made from the Master Sidewalk Program Fund, being Fund No. 412, pursuant

to the directives of the Finance Director, who is authorized to increase the appropriation by the amount set forth in this Section and by a reasonable amount for engineering and legal fees associated with this project.

Section 3. The owners of each lot and parcel of land bounding and abutting on the proposed sidewalk shall construct that portion of the sidewalk which abuts their property, in accordance with the plans and specifications filed in the office of the Clerk, on or before September 30, 2013, or within thirty (30) days of notification of passage of this Resolution, whichever time period is greater.

Section 4. In the event any such abutting property owner does not complete the construction of that portion of such sidewalk which abut his property in accordance with the plans and specifications and within the time prescribed, this Council will cause it to be done and the entire cost assessed to the property of the abutting owner pursuant to procedures set forth in Chapter 729 of Ohio Revised Code.

Section 5. The Clerk of Council is hereby directed to serve notice of the passage of this Resolution on the owners of the lots and lands abutting on the sidewalks as provided by law by certified mail with return receipt.

Section 6. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken 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 7. That this Resolution 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 of constructing sidewalks as indicated above; therefore, this Ordinance shall be in full force and effect immediately upon its passage by this Council 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

ATTEST:

Ellen R. Young, Clerk of Council

POSTED: _____
In five places as
provided by Council

Prepared by:
John A. Gasior, Esq
Law Director