

ORDINANCE NO. 60-16

**AN ORDINANCE GRANTING FINAL CONSENT TO THE DIRECTOR OF
TRANSPORTATION TO PERFORM RESURFACING ON STATE ROUTE 83 FROM
DETROIT ROAD TO US 6 INCLUDING RESURFACING ON APPROXIMATELY 1.52
MILES OF ROAD LOCATED WITHIN THE AVON CORPORATION LIMITS
PID NO. 92880 AND PROJECT NAME: LOR-SR 0083 17.94
AND DECLARING AN EMERGENCY**

WHEREAS, the State of Ohio, Director of Transportation, has identified the need to perform resurfacing on State Route 83 from Detroit Road to United States Route 6 which includes resurfacing approximately 1.52 miles located within the Avon Corporation limits (PID NO. 92880; LOR-SR-0083 17.94); and

WHEREAS, the project is currently scheduled for the calendar year of 2016 and;

WHEREAS, on March 29th, 2016, the City of Avon expressed its desire to the Director of Transportation of proceeding with the aforesaid highway improvement and enacted Ordinance No. 38-16 which proposed cooperation with the Director of Transportation for the above described project; and

WHEREAS, the Director of Transportation requires that the City of Avon cooperate in the above-described project as follows:

The City shall agree to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid NOACA funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation; and

In addition, the City of Avon shall agree to assume and bear one hundred percent (100%) of the cost for the northbound right turn lane on State Route 83 to go east on Interstate Route 90; and

The share of the cost of the City of Avon is now estimated in the amount of One Hundred Eighty two Thousand Six Hundred Sixteen Dollars and No Cents (\$182,616.00), but said estimated amount is to be adjusted in order that the City of Avon's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined.

WHEREAS, The Director of Transportation has approved said previous legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, Council finds that moving forward with the project is in the best interests of the health, safety and welfare of the motoring public and the citizens of Avon and desires that the Director of Transportation proceed with the highway improvement.

Ordinance No. 60-16 (Con't.)

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

Section 1 - That the estimated sum, of One Hundred Eighty Two Thousand Six Hundred Sixteen Dollars and No Cents (\$182,616.00) is hereby appropriated for the improvement described above. The Finance Director is hereby authorized and directed to pay said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

Section 2 - That the City of Avon hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

Section 3 - That the City of Avon shall enter into a contract with the State and the Mayor is hereby authorized to execute said contract in substantially the form as set forth in the attached Exhibit A, providing for the payment by the City of Avon of the sum of money set forth herein for improving the described project.

Section 4 - That the City of Avon shall transmit to the Director of Transportation a fully executed copy of this Ordinance.

Section 5 – 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 6 - 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 calendar year of 2016; 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

Ordinance No. 60-16 (Con't.)

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

Ordinance No. 60-16 (Con't.)

**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. 60-16 adopted by the legislative Authority of the said City of Avon on the 9th day of May, 2016.

That the publication of such Ordinance No. 60-16 has been made and certified of record according to Law; that no proceedings looking to a referendum upon such Ordinance No. 60-16 have been taken; and that such Ordinance No. 60-16 and certificate of publication thereof are of record in of Ordinance No. 60-16, page 2.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 2016.

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)