

ORDINANCE NO. 121-16

**AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF AVON TO
CONSENT TO A RESURFACING PROJECT ON INTERSTATE ROUTE 90
THROUGH THE CITY OF AVON BY THE OHIO
DEPARTMENT OF TRANSPORTATION (ODOT)
AND DECLARING AN EMERGENCY**

WHEREAS, the Ohio Department of Transportation has determined the need to perform a resurfacing of Interstate Route 90 (I-90) within the City of Avon; and

WHEREAS, the Ohio Department of Transportation has requested the Avon City Council to grant its consent to allow said work to be completed in accordance with the Consent Legislation document attached hereto and marked as Exhibit A; and

WHEREAS, the Ohio Department of Transportation has stated that the project is scheduled to take place during the summer of 2017; and

WHEREAS, Council has determined that it is in the best interests of the health, safety and welfare of the citizens of Avon to consent to the Director of the Ohio Department of Transportation to complete the I-90 Resurfacing project known as LOR IR 0090 18.61, PID 79762 within the municipality.

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

Section 1 – That the City of Avon does hereby give consent to the Director of Ohio Department of Transportation (ODOT) to move forward with the I-90 Resurfacing project known as LOR IR 0090 18.61, PID 79762 within the municipality.

Section 2 - The City of Avon shall cooperate with the Director of Transportation in the above described project as follows:

No Funds are required from the City of Avon 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 of Ohio and the Federal Highway Administration.

Section 3 - The City of Avon agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

Section 4 - 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 5 - 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 consent to the resurfacing of Interstate Route 90, LOR IR 0090 18.61, PID 79762, as defined by ODOT; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director