

ORDINANCE NO. 54-17

**AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF AVON
TO CONSENT TO A BRIDGE REPLACEMENT PROJECT ON INTERSTATE
ROUTE 90 OVER THE NORFOLK-SOUTHERN RAILROAD BY THE OHIO
DEPARTMENT OF TRANSPORTATION (ODOT)
AND DECLARING AN EMERGENCY**

WHEREAS, the Ohio Department of Transportation has determined the need to perform a bridge replacement project involving the east and west bound bridge structures which carry Interstate Route 90 (I-90) over the Norfolk and Southern Railroad at straight line mileage 17.85 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 2021; 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 Bridge Replacement Project known as LOR IR 0090 17.85, PID 90942 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 grant consent to the Director of Ohio Department of Transportation (ODOT) to move forward with the above noted improvements.

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, including Section 121.22 of the Ohio Revised Code.

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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 bridge replacement project on Interstate Route 90, LOR IR 0090 17.85, PID 90942, 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 L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director, City of Avon, Ohio

**CERTIFICATE OF COPY
STATE OF OHIO**

The City of Avon of Lorain County, Ohio

I, Barbara Brooks, 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. 54-17 adopted by the legislative Authority of the said City of Avon on the _____ day of _____, 2017.

That the publication of such Ordinance No. 54-17 has been made and certified of record according to Law; that no proceedings looking to a referendum upon such Ordinance No. 54-17 have been taken; and that such Ordinance No. 54-17 and certificate of publication thereof are of record in of Ordinance No. 54-17, page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 2017.

Barbara Brooks, 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)