RESOLUTION NO. R-22-17

A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING CONCRETE SIDEWALKS FOR THE 2017 SIDEWALK PROGRAM AND DECLARING AN EMERGENCY

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

WHEREAS, pursuant Ohio Revised Code §729.02 and §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, seven (7) of the areas found to meet this qualification by the City Zoning Enforcement Officer and the Planning Coordinator are (1) Detroit Road: The southside of the street from the eastern corner of Case Road to the western corner of Veterans Park approximately 1,342 LF; (2) The Amato Property at 38960 Detroit Road, the side adjacent to Detroit Road to the south and the portion adjacent to Moon Road to the west approximately 300 LF; (3) the west side of Moon Road from 3448 Moon Road (Wilson) to 3380 Moon Road (Davis) approximately 415 LF; (4) Detroit Road: The southside of the street beginning at 35295 Detroit Road and going east to the western corner of Jaycox Road approximately 993 LF; (5) the right of way between Colorado and Carleen (adjacent to property owned by Marbri LTD) approximately 168 LF; (6) south side of Chester Road from State Rt.83 to 35765 Chester Road approximately 477 LF; and (7) the westside of Center Road from 1422 Center Road north to the Firestone Tire store at the corner of Main and Center approximately 273 LF.

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 Administration, declares it necessary for the health, welfare and safety of the community that the City's 2017 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) Detroit Road: The southside of the street from the eastern corner of Case Road to the western corner of Veterans Park approximately 1,342 LF;

(2) The Amato Property at 38960 Detroit Road, the side adjacent to Detroit Road to the south and the portion adjacent to Moon Road to the west approximately 300 LF;

(3) the west side of Moon Road from 3448 Moon Road (Wilson) to 3380 Moon Road (Davis) approximately 415 LF;

(4) Detroit Road: The southside of the street beginning at 35295 Detroit Road and going east to the western corner of Jaycox Road approximately 993 LF;

(5) the right of way between Colorado and Carleen (adjacent to property owned by Marbri LTD) approximately 168 LF;

(6) south side of Chester Road from State Rt.83 to 35765 Chester Road approximately 477 LF; and

(7) the westside of Center Road from 1422 Center Road north to the Firestone Tire store at the corner of Main and Center approximately 273 LF.

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 deadline passes for installation by abutting property owners as set forth in this resolution (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, within thirty (30) days of notification of the passage of this Resolution by the Clerk of City Council or on or before June 30, 2018, whichever time date is later.

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 the work 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: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

_____
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

_____
John A. Gasior, Law Director

ATTEST:

_____
Barbara J. Brooks, Clerk of Council

POSTED: _____
In five places as
provided by Council

Prepared by:
John A. Gasior, Esq
Law Director