

ORDINANCE NO. 8 -19

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

WHEREAS, the Ohio Department of Transportation has determined the need to perform a reactive maintenance, spot paving project on Interstate Route 90 (I-90) from the Turnpike Gates to the bridge west of State Route 611. Approximately 0.75 miles of the proposed project runs through the City of Avon; and

WHEREAS, the Ohio Department of Transportation has requested the Avon City Council 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 late summer of 2019; 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 project.

**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 the Ohio Department of Transportation (ODOT) to move forward with the I-90 Pavement Maintenance Project known as LOR IR 0090 10.76, PID 87706 within the City of Avon and scheduled for late summer, 2019. The Mayor is hereby authorized to enter into contracts with the Director of Transportation necessary to complete the project described herein.

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

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 I-90 Pavement Maintenance Project known as LOR IR 0090 10.76, PID 87706 within the City of Avon; 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

**CERTIFICATE OF COPY
STATE OF OHIO**

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. 8-19 adopted by the legislative Authority of the said City of Avon on this 28th day of January, 2019.

That the publication of such Ordinance No. 8-19 has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance No. -19 have been taken; and that such Ordinance No. 8-19 and certificate of publication thereof are of record in Ordinance No. 8-19, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 2019,

(CITY SEAL)
(If Applicable)

Barbara Brooks, Clerk of Council
City of Avon of Lorain County, Ohio.

The foregoing is accepted as a basis for proceeding with the project herein described.
For the City of Avon of Lorain County, Ohio

Attest: _____ Date _____
Barbara Brooks Bryan K. Jensen, Mayor

For the State of Ohio

Attest: _____ Date _____
Director, Ohio Department of Transportation