

ORDINANCE NO. 40-20

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE PAVEMENT RESURFACING AND ASSOCIATED IMPROVEMENTS ALONG CERTAIN SECTIONS OF STATE ROUTE 254 (DETROIT ROAD) AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Department of Transportation (ODOT) has determined the pavement surface conditions along State Route 254 (Detroit Road) throughout the City of Avon have degraded to a point that the resurfacing of the roadway is warranted under ODOT's Urban Paving Program; and

WHEREAS, the City of Avon and ODOT have determined that such a project shall be done in two phases with the first phase planned for completion in the year 2020 and the second phase planned for completion in the year 2021; and

WHEREAS, the City of Avon and ODOT have determined that the extents of a State Route 254 Urban Paving Program Phase One project shall extend from the Sheffield Village municipal boundary to four hundred feet east of the Clifton Way intersection and also from approximately four hundred feet east of Nagel Road to the City of Westlake municipal boundary; and

WHEREAS, the City of Avon and ODOT have determined that the extents of the State Route 254 Urban Paving Program Phase Two project phase shall be from the Clifton Way / Garden Drive intersection to approximately two hundred feet west of Nagel Road due to upcoming intersection improvements to be constructed at the Detroit Road & Nagel Road intersection as part of a separate project at that location; and

WHEREAS, the City of Avon passed Ordinance No. 80-19 on September 9, 2019 which declared its intent to participate in the Phase One ODOT project identified as LOR. 0254 02.83 PID No. 92881;

WHEREAS, ODOT has approved said 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, ODOT has requested the Avon City Council to grant its consent relative to the Urban Paving Program Phase One project via the passage of Legislation, provision of a Fiscal Officer's Certificate, execution of a Contract by the Avon Mayor, and payment of the local share of project costs. The Fiscal Officer's Certificate and Contract are attached hereto and marked as Exhibit A; and

WHEREAS, the Phase One project will consist of resurfacing Detroit Road (State Route 254) including the removal via planing of the asphalt surface course, base repairs where warranted, placement of a new asphalt surface course, replacement of pavement markings and upgrades to deficient curb ramp installations at intersections; 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 Urban Paving Program Phase One project known as LOR 0254 02.83 PID No. 92881 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 and requests the Director of Ohio Department of Transportation (ODOT) to move forward with the above noted improvements.

Section 2 – That the City of Avon agrees 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 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.

Section 3 - The estimated cost of the city's share of this project is \$365,818.00, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined.

Section 4 - That the estimated sum, of Three Hundred Sixty-Five Thousand Eight Hundred Eighteen and 00/100 Dollars, (\$365,818.00) is hereby appropriated for the improvement described above and the Avon Finance Director is hereby authorized and directed to issue an order for said sum upon the requisition of the Director of Transportation from the 2020 Road Program Fund No. 410 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 5 - That Council hereby authorizes the Mayor to enter into a contract with the State providing for payment by the City of Avon of the sum of money set forth herein above for improving the described project.

Section 6 - That the Avon Clerk of Council will transmit to the Director of Transportation a fully executed copy of this Ordinance.

Section 7 - 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 8 - 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 substantially complete the resurfacing of a portion of State Route 254 (Detroit Road), LOR 0254 02.83 PID No. 92881, to the Phase One

extents described herein during the 2020 construction season; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, 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