

ORDINANCE NO. 20-22

**AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE OHIO
DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE PAVEMENT
RESURFACING AND ASSOCIATED IMPROVEMENTS ALONG CERTAIN
SECTIONS OF MOORE ROAD (COUNTY ROAD 78)
AND DECLARING AN EMERGENCY**

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) and the Ohio Department of Transportation (ODOT) have determined the pavement surface conditions along Moore Road north of Chester Road have degraded to a point that resurfacing the roadway is warranted; and

WHEREAS, the City of Avon, hereinafter referred to as the Legislative Authority/Local Public Agency (LPA) in the matter of the aforementioned project, did declare its intention to participate with NOACA and ODOT in the completion of an asphalt resurfacing project identified as LOR CR 0078 00.00, PID: 111590 by Ordinance No. 115-20, passed on December 14, 2020; and

WHEREAS, The Ohio Director of Transportation Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications together with 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, the Ohio Department of Transportation has requested the Avon City Council grant its consent relative to the identified Moore Road asphalt resurfacing project by 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 ODOT Legislation, Fiscal Officer's Certificate and Contract are all attached hereto, marked as Exhibit A and incorporated herein by this reference; and

WHEREAS, the identified project will consist of resurfacing Moore Road (County Road 78) between Chester Road and the northern Avon corporation limit, including the removal, via planning, 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 within the City of Avon; 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 completing the Moore Road project (known as LOR CR 0078 00.00 PID No. 111590) 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, shall cooperate with, and does request the Director of the Ohio Department of Transportation to move forward with the

above noted highway improvements, viz., asphalt resurfacing project identified as LOR CR 0078 00.00, PID: 111590,.

Section 2 - 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 \$102,600.00, 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 Finance Director is hereby authorized to appropriate the estimated sum of One Hundred Two Thousand, Six Hundred Dollars and 00/100, (\$102,600.00) from Fund No. 417, the Moore Road Rehabilitation Fund for the improvement described herein. Further, the Avon Finance Director is hereby authorized and directed to issue an order for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. The City hereby agrees 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 the Mayor is hereby authorized to enter into and execute a contract (See [Exhibit A](#)) with the State providing for the 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.

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 Moore Road (County Road 78) to the extents described herein during the 2022 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