

RESOLUTION NO. R-36-22

**A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING
CONCRETE SIDEWALKS WITHIN A SECOND GROUPING OF
PARCELS AS PART OF THE 2023 SIDEWALK PROGRAM
AND DECLARING AN EMERGENCY**

WHEREAS, the Administration and City Council have determined it is necessary to construct sidewalks along portions of various city streets to promote safer pedestrian travel within the community; and

WHEREAS, pursuant Ohio Revised Code Chapter 729, Council may require the construction of sidewalks by the owners of abutting lots; and

WHEREAS, City Council and the Administration have identified three (3) areas within the City for the installation of concrete sidewalks. These areas are: (1) Avon Road North Side: from approximately 1,200 feet east of Nagel Road to the Pine Drive Intersection; (2) Detroit Road South Side: from approximately 200 feet east of the Detroit Road & Palmer Lane Intersection to a point 225 feet west of the Detroit Road & Jaycox Road Intersection; (3) Colorado Avenue (State Route 611): along the west and south frontages of Permanent Parcel Number 0400010101031 and thence along the north side of Colorado Avenue to approximately 700 feet east of Doovy's Street as well as from approximately 500 feet southeast of the Colorado Avenue & Eaton Drive Intersection to approximately 750 feet southeast of the Colorado Avenue & Eaton Drive Intersection; and

WHEREAS, the City Engineer has provided an estimate of costs for the construction of said sidewalks; and

WHEREAS, Council, having reviewed the plans, specifications, costs, and the Administration's recommendations, declares it necessary for the health, welfare and safety of the community that the areas noted herein be added to the City's 2023 sidewalk program and said program shall move forward as soon as possible to insure safer pedestrian travel at these locations in the coming year.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 - That pursuant to Ohio Revised Code §729.01 and 729.02, Council declares it necessary to require the construction of certain sidewalks in the City of Avon, Ohio, at the following locations:

- (1) Avon Road North Side: from approximately 1,200 feet east of Nagel Road to the Pine Drive Intersection; (1,122 feet); see [Exhibit A](#), attached;
- (2) Detroit Road South Side: from approximately 200 feet east of the Detroit Road & Palmer Lane Intersection to a point 225 feet west of the Detroit Road & Jaycox Road Intersection; (232 feet); see [Exhibit B](#), attached;

- (3) Colorado Avenue (State Route 611): along the west and south frontages of Permanent Parcel Number 0400010101031 and thence along the north side of Colorado Avenue to approximately 700 feet east of Doovy's Street as well as from approximately 500 feet southeast of the Colorado Avenue & Eaton Drive Intersection to approximately 750 feet southeast of the Colorado Avenue & Eaton Drive Intersection; (1,458 feet); see [Exhibit C](#), attached;

Section 2 - That the plans, specifications and estimate of costs for the construction of said sidewalks 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. 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 May 31, 2023, 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 abuts one's 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 proposed sidewalks as provided by law by certified mail with return receipt or as otherwise provided in Section 729.03 of the Ohio Revised Code.

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 and increasing safety for pedestrians; therefore, this Resolution shall be in full force and effect immediately upon its passage by this Council 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: _____
Electronically and in two places
As provided by Council

Prepared by:
John A. Gasior, Esq
Law Director