

ORDINANCE NO. 35-23

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN
ADDENDUM TO THE COOPERATIVE AGREEMENT WITH THE CITY OF NORTH
RIDGEVILLE FOR THE CONSTRUCTION OF A TRAFFIC ROUNDABOUT
AT THE INTERSECTION OF STONEY RIDGE ROAD,
MILLS ROAD, AND AVALON DRIVE
AND DECLARING AN EMERGENCY**

WHEREAS, Avon City Council passed Ordinance No. 83-21 on October 25, 2021 to authorize the Mayor to enter into a Cooperative Agreement with the City of North Ridgeville for the construction of a traffic roundabout at the intersection of Stoney Ridge Road, Mills Road and Avalon Drive, (the Project); and

WHEREAS, the Cooperative Agreement entered into specifically designated North Ridgeville as the “Lead Agency” for the construction of the above-referenced project in accordance with the provisions of Ohio Revised Code 727.41 and 5557.09 and applicable local ordinances; and

WHEREAS, the Cooperative Agreement sets forth the duties and responsibilities of the “Lead Agency” to include the construction, contracting, and certain maintenance and landscaping obligations associated with the project; and

WHEREAS, the Cooperative Agreement is substantially similar to a Cooperative Agreement between the Parties entered into for the roundabout at Mills Road and State Route 83 (See, Ord. No. 49-16, passed May 9, 2016); and

WHEREAS, under both Cooperative Agreements, the necessary appropriation of real property required for the project was/is the responsibility of the Lead Agency; and

WHEREAS, City Council finds that for purposes of clarification, an Addendum to the current Cooperative Agreement clearly delineating the City of North Ridgeville, the Lead Agency, as being responsible for the appropriation of real property for the roundabout project is necessary for legal and practical purposes and, therefore, is in the best interest of the health, safety and welfare of both communities in moving forward with upgrading their transportation facilities.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - The Mayor of the City of Avon is hereby authorized to enter into an Addendum to the Cooperative Agreement with the City of North Ridgeville, a copy of which is attached hereto, and marked [Exhibit A](#) and incorporated herein by reference, to clarify that the Lead Agency (North Ridgeville) is assigned the duty and responsibility of appropriating all real property for this project and in keeping with Ohio Revised Code Chapter 719.

Section 2 - It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

Section 3 - 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 enter into an Addendum to the Cooperative Agreement with the City of North Ridgeville clearly defining their authority, as Lead Agency, to appropriate real property for the project and to begin doing so, if necessary, as soon as practicable; 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: _____
Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director