

ORDINANCE NO. 47-26

**AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF AVON TO
CONSENT TO A SPOT PAVEMENT REPAIR PROJECT ON THE STATE ROUTE
83 AND NAGEL ROAD INTERCHANGE RAMPS ALONG 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 pavement spot repairs at various locations including some of the ramps at the State Route 83 and Nagel Road Interchanges along Interstate Route 90, within the Avon City Limits; and

WHEREAS, ODOT has stated that the project is scheduled to take place during the summer of 2027; and

WHEREAS, ODOT 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, ODOT has determined that due to the nature of the project that no funds are required from the City of Avon to construct the project unless the City requests additional improvements be added to the project; 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 Spot Pavement Repair Project known as PID 114982 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 shall consent to and cooperate with the Director of Ohio Department of Transportation in the above-described project as follows:

- a) *The City of Avon hereby gives it consent for the above noted improvements.*
- b) *No funds are required from the City 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 improvement as determined by the State and the Federal Highway Administration. The City of Avon shall not be held responsible for the maintenance of the interstate route.*
- c) *Provide adequate maintenance for the described Project in accordance with all applicable state and federal law;*

- d) *Provide ample financial provisions, as necessary, for the maintenance of the described project;*
- e) *Maintain the right-of-way, keeping it free of obstructions; and hold said right-of-way inviolate for public highway purposes.*
- f) *If City owned utilities, within a corporation limit or in a private easement outside corporation limits, need to be relocated due to this ODOT project, the City will be reimbursed for any relocation work; ODOT will perform the coordination, relocation, and reimbursement which shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.*
- g) *If other public and private utilities need to be relocated due to this ODOT project they will not be reimbursed for relocation; with exceptions due to an easement, etc.*

Section 2 - 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 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 expedite the highway project to meet Ohio Department of Transportation project schedules and to promote highway safety, 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