

RESOLUTION NO. R-14-17

**A RESOLUTION TO ESTABLISH A PERMANENT HIGHWAY EASEMENT
AS WELL AS A TEMPORARY EASEMENT TO FACILITATE CONSTRUCTION
OF A TRAFFIC ROUNDABOUT AT STATE ROUTE 83 AND MILLS ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, the Cities of Avon and North Ridgeville are desirous of improving their respective communities as well as bringing benefit to the traveling public in general by replacing the increasingly congested traditional crossroad intersection located on the boundary of the two municipalities at State Rt. 83 (Center Road) and Mills Road with a continuous flowing circular traffic roundabout (“the Roundabout Project”); and

WHEREAS, as authorized by Ordinance No. 49-16 passed by Avon City Council on May 9, 2016 the City of Avon has executed a Cooperative Agreement with the City of North Ridgeville for preparation of engineering plans and specifications, right-of-way acquisition, environmental permitting, public bidding, construction and maintenance related to the installation of a traffic roundabout at the intersection of Mills Road and State Route 83 (Center Road), and;

WHEREAS, the City of Avon and the City of North Ridgeville have established via the Cooperation Agreement that the City of North Ridgeville shall act as the Lead Agent relative to facilitating the needed preparations for and construction of the Roundabout Project, and;

WHEREAS, to provide for adequate property rights on a permanent and temporary basis for the Roundabout Project it is necessary to set aside certain areas of land from Permanent Parcel No. 04-00-013-000-568, owned by the City of Avon, to create a 0.1562 Acre (6,803 Square Feet) Permanent Easement for The Widening of Public Roadways, along with a 0.3113 Acre (13,560 Square Feet) area and a 0.0027 Acre (116 Square Feet) area for Temporary Easements for The Widening of Public Roadways, and;

WHEREAS, the Permanent Easement for The Widening of Public Roadways will constitute the establishment and dedication of public roadway rights from the City of Avon to the City of Avon over 0.1562 Acres as described within Attachment A, and;

WHEREAS, the Temporary Easement for The Widening of Public Roadways will provide access and use of two areas, 0.3113 Acres and a 0.0027 Acres in size, to facilitate construction activities via temporary property rights to be granted from the City of Avon to the City of North Ridgeville, the Roundabout Project Lead Agent, as described in Attachment B for a two-year time period beginning at the start of construction, and;

WHEREAS, the City of North Ridgeville has and continues to work on a cooperative nature with the City of Avon to enhance public safety, as evidenced by the inclusion of various public sidewalks which will allow pedestrians to navigate the roundabout and access existing sidewalks in the City of Avon, and;

WHEREAS, the City of Avon acknowledges the inherent public purpose of the permanent and temporary easement areas described herein, recognizes the pre-existing public use of

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Permanent Parcel No. 04-00-013-000-568 as the location of the Mills Road Water Tower and agrees that the said easement rights are to be granted without receiving monetary compensation from the Roundabout Project or the City of North Ridgeville, and;

WHEREAS, Avon City Council finds that the proposed improvements will significantly further the health, safety and welfare of the citizens of Avon and the community by providing more efficient and safe public roadway system.

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

Section 1 – That Council hereby authorizes the Mayor to establish and grant both a Permanent Easement for The Widening of Public Roadways and a Temporary Easement for The Widening of Public Roadways as generally outlined in Attachment A and Attachment B, subject to final improvement plan development, both of which are attached hereto and incorporated herein, in order to facilitate the installation of a traffic roundabout at the intersection of Mills Road and State Route 83 (Center Road).

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 Resolution 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 3 - That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to finalize acquisition of required property rights and construct the noted project in the 2017 construction season; therefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

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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