

ORDINANCE NO. 34-21

**AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE
OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE
PAVEMENT RESURFACING AND ASSOCIATED IMPROVEMENTS ALONG
CERTAIN SECTIONS OF STATE ROUTE 254 (DETROIT ROAD)
AND DECLARING AN EMERGENCY**

WHEREAS, the Ohio Department of Transportation (ODOT) has determined the pavement surface conditions along State Route 254 (Detroit Road) throughout the City of Avon have degraded to a point that the resurfacing of the roadway is warranted under ODOT's Urban Paving Program; and

WHEREAS, the City of Avon and ODOT have determined that such a project shall be done in two phases. The first phase was completed in the year 2020, via Ordinance 40-20 passed on April 13, 2020. The second phase is planned for completion in the current year, 2021; and

WHEREAS, the City of Avon and ODOT have determined that the State Route 254 Urban Paving Program Phase Two project shall extend from approximately eight hundred feet east of Avon Commons Drive to approximately four hundred feet east of Nagel Road; and

WHEREAS, State Route 254 Urban Paving Program Phase Two project will not include the portion of Detroit Road that is slated to be improved in 2023 as part of the S.R. 83 (Center Road) & S.R. 254 (Detroit Road) intersection improvement project, ODOT PID No. 111283, which extends along Detroit Road from four hundred feet east of Clifton Way to approximately eight hundred feet east of Avon Commons Drive; and

WHEREAS, the City of Avon passed Ordinance No. 12-21 on March 8, 2021 which declared its intent to participate in the Phase Two ODOT project identified as LOR. 0254 06.39 PID No. 110096;

WHEREAS, ODOT has approved said legislation proposing cooperation and has caused to be made plans and specifications and 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, ODOT has requested the Avon City Council to grant its consent relative to the Urban Paving Program Phase Two project via 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 Fiscal Officer's Certificate and Contract are attached hereto and marked as Exhibit A; and

WHEREAS, the Phase Two project will consist of resurfacing Detroit Road (State Route 254) including the removal via planing 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; 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 Urban Paving Program Phase Two project known as LOR 0254 06.39 PID No. 110096 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 and requests the Director of Ohio Department of Transportation (ODOT) to move forward with the above noted improvements.

Section 2 – That 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 – That the estimated cost of the city's share of this project is Two Hundred Ninety-Five Thousand and 00/100 Dollars (\$295,000.00), 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 estimated sum, of Two Hundred Ninety-Five Thousand and 00/100 Dollars (\$295,000.00) is hereby appropriated for the improvement described above and the Avon Finance Director is hereby authorized and directed to issue an order for said sum upon the requisition of the Director of Transportation from the 2021 Road Program Fund No. 419 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 Council hereby authorizes the Mayor to enter into a contract with the State in substantially the same form as set forth in Exhibit A, which is attached hereto and incorporated herein by this reference, providing for the payment by the City of Avon of the sum of money set forth therein and 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, including Section 121.22 of the Ohio Revised Code.

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 State Route 254 (Detroit Road), LOR 0254 06.39 PID No. 110096, to the Phase Two extents described herein during the 2021 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