

ORDINANCE NO. 69-22

**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 83 (CENTER ROAD)
AND DECLARING AN EMERGENCY**

WHEREAS, the Ohio Department of Transportation (ODOT) has determined the pavement surface conditions along State Route 83 (Center Road) south of State Route 254 (Detroit Road) within 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 completed in the year 2022; and

WHEREAS, the City of Avon and ODOT have determined that the extents of the State Route 83 Urban Paving Program project shall extend from a point approximately twelve hundred and seventy feet south of Detroit Road to a point approximately four hundred and seventy-five feet north of Mills Road; and

WHEREAS, the City of Avon passed Ordinance No. 4-22 on January 10, 2022 which declared its intent to participate in the ODOT project identified as LOR-83-15.31 PID No. 107475;

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 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 via check, wire transfer, or escrow deposit and agreement. The ODOT Legislation, Fiscal Officer's Certificate, Escrow Agreement and Contract are attached hereto and marked as Exhibit A; and

WHEREAS, the project will consist of resurfacing the noted portion of Center Road (State Route 83) 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, guardrail repairs, structure repairs, signage, pedestrian signal maintenance 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 project known as LOR-83-15.31 PID No. 107475 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) 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 Seven Hundred Seven Thousand Two Hundred Twenty and 00/100 Dollars (\$707,220.00), 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 Avon Finance Director is hereby authorized transfer the sum of Seven Hundred and Seven Thousand Two Hundred Twenty and 00/100 Dollars, (\$707,220.00) from the General Fund No. 101 to the 2022 Road Program Fund No. 420 to meet the City's obligations to the Director of Transportation per this legislation. Said sum is hereby appropriated for the improvement described above, i.e., to pay the cost and expense of said improvement either by check, wire transfer, or escrow deposit with an agreement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds. In addition, the Finance Director is authorized to increase this appropriation by a reasonable amount for engineering and legal fees associated with this project.

Section 5 – That Council hereby authorizes the Mayor to enter into a contract with the State, and that the Mayor be, and he is hereby authorized to execute said contract and escrow agreement, if requested, by the Avon Finance Director, in substantially the same form as set forth in [Exhibit A](#), which is attached hereto and incorporated herein by reference, providing for the payment of the City of Avon the sum of money set forth herein 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 83 (Center Road), LOR-83-15.31 PID No. 107475, to extents described

herein during the 2022 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

Approved as to form:
John A. Gasior, Esq.
Law Director