

ORDINANCE NO. 22-04
PID NO. 107477
PROJECT NAME: LOR US 0006 15.87

INTRODUCED BY: Mrs. Fenderbosch

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE RESURFACING URBAN PAVING PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio has identified the need for the Resurfacing Urban Paving of the City of Avon Lake, LOR US 0006 SLM 15.87 (E. Corp Limit Avon Lake) to SLM 21.23 (W. Corp Limit Avon Lake).

WHEREAS, this project is currently scheduled to be constructed in August of 2022.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: Being in the public interest, the City gives consent to the Director of Transportation to complete the above-described project.

Section No. 2: The City shall cooperate with the Director of Transportation, for the portion of this project within the Avon Lake Corporation limit as follows:

1. ODOT agrees to assume and bear one hundred percent (100%) of the preliminary (except for the curb ramp design 100% City responsibility) engineering costs and environmental studies costs.
2. ODOT agrees to assume and bear eighty percent (80%) of the roadway construction and construction engineering costs.
3. The City agrees to assume and bear twenty percent (20%) of the roadway construction and construction engineering costs.
4. ODOT and the City agree that the following roadway construction items are eligible for 80% ODOT and 20% City funding: pavement planing, asphalt overlay, treatment of shoulder, height adjustment to existing guardrail, pavement markings, temporary and fast dry, adjustments to catch basins, manholes, valve boxes, etc., mailbox supports and approaches, and work zone signs.
5. ODOT agrees to assume and bear one hundred percent (100%) of the bridge related costs.

6. The City further agrees to pay one hundred percent (100%) of the cost of the following construction items: pavement repair partial and full depth, curbs, curb ramps, sidewalks, City-owned signs, guardrail replacement of deficient existing and required new locations, and those items requested by the City which are determined to be unnecessary by the State or Federal Highway Administration for the intent of this project.
7. A preliminary cost estimate for the City's share of this project is \$1,150,000 for construction costs and \$76,000 for construction engineering (inspection).

Section No. 3: Upon completion of the above-described project, and unless otherwise agreed, the City shall:

1. Provide adequate maintenance for the above-described Project in accordance with all applicable state and federal law;
2. Provide ample financial provisions, as necessary, for the maintenance of the above-described project;
3. Maintain the right-of-way, keeping it free of obstructions, and hold said right-of-way inviolate for public highway purposes.

Section No. 4: 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.

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 No. 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such 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 No. 6: That this Ordinance is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Therefore, this Ordinance shall take effect and be in full force immediately after its passage and approval by the Mayor.

PASSED: 1/10/2022

/s/ Martin E. O'Donnell
President of Council

POSTED: 1/14/2022

APPROVED: 1/11/2022

ATTEST: /s/Valerie E. Rosmarin
Clerk of Council

/s/ Gregory J. Zilka
Mayor