

ORDINANCE NO. 22-122
PID NO. 117317
PROJECT NAME: LOR-6-18.53 Sidewalk

INTRODUCED BY: Mr. Kos

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE INSTALLATION OF SIDEWALKS IN MISSING GAPS ALONG US 6 AND INSTALLATION OF RRFBS AT ARMOUR ROAD AND JAYCOX ROAD AND DECLARING AN EMERGENCY.

WHEREAS, the City of Avon Lake, as the Local Public Agency (LPA), has determined the need for the installation of sidewalks in missing gaps along US 6 and the installation of RRFBS at Armour Road and Jaycox Road in the City of Avon Lake, LOR-6-18.53.

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 (LPA) gives consent to the Director of Transportation to complete the above-described project as detailed in the LPA-ODOT-Let Agreement.

Section No. 2: The City (LPA) shall cooperate with the Director of Transportation in the development and construction of the above-described project and shall enter into an LPA Federal Local-Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project as follows:

1. ODOT agrees to provide to the Local Public Agency (LPA) ninety percent (90%) of the eligible costs, up to a maximum of \$1,115,100 in Federal funds.
2. The City (LPA) shall provide all other financial resources necessary to fully complete the project including all 100% locally funded work, cost overruns, and contractor claims.

Section No. 3: The City (LPA) hereby authorizes the Mayor to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the Mayor is also empowered to execute any appropriate documents to affect the assignment of rights, title, and interests of the City (LPA) to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section No. 4: The City (LPA) agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The City (LPA) also understands that right-of-way costs include eligible utility costs.

The City (LPA) agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section No. 5: Upon completion of the Project, and unless otherwise agreed, the City (LPA) shall:

1. Provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C. Section 116;
2. Provide ample financial provisions, as necessary, for the maintenance of the Project;
3. Maintain the right-of-way, keeping it free of obstructions; and
4. Hold said right-of-way inviolate for public highway purposes.

Section No. 6: 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. 7: That this Ordinance is hereby declared to be an emergency measure to expedite the sidewalk project and to provide safe passage along this highly traveled road. Therefore, this Ordinance shall take effect and be in full force immediately after its passage and approval by the Mayor.

PASSED: 8/22/2022

/s/ Martin E. O'Donnell

President of Council

POSTED: 8/26/2022

APPROVED: 8/23/2022

ATTEST: /s/ Valerie E. Rosmarin

Clerk of Council

/s/ Gregory J. Zilka

Mayor