

ORDINANCE NO. 86-24

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE USE PERMIT FOR 36160 DETROIT ROAD, PERMANENT PARCEL NO. 04-00-015-101-128, TO OCCUPY A PORTION OF THE CITY RIGHT-OF-WAY ALONG A SECTION OF DETROIT ROAD (NORTH SIDE) A WIDTH OF APPROXIMATELY 113.40 FEET AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Ohio Revised Code Section 5515.01, the City of Avon can grant permission to a private owner to use or occupy a portion of the Right of Way within the municipality; and

WHEREAS, the entity Vic Kasner Avon Be, LLC owns property at 36160 Detroit Road in the City of Avon upon which is erected various landscaping and signage items including a decorative fence, landscape bed, landscape boulders, ground level lighting, sprinkler system, various shrubs and plants, and a private sign on the decorative fence which notes the name of the adjacent shopping plaza “French Creek” all of which currently encroach, and have encroached for some time, into the Detroit Road (State Route 254) Right of Way; and

WHEREAS, the City of Avon, in conjunction with the Ohio Department of Transportation (ODOT), plan to make improvements to the Detroit Road and Center Road (State Route 83) intersection and adjacent corridors across the Detroit Road frontage of the above noted property, Permanent Parcel Number 04-00-015-101-128 as part of the State Route 83 & State Route 254 Intersection Improvement project, also known as LOR-SR 254-05.55 & PID No. 111283; and

WHEREAS, to permit the entity Vic Kasner Avon Be, LLC to continue to maintain the noted landscape, signage, lighting, and fencing along Detroit Road, the City must enter into a Revocable Use Permit pursuant to ORC Section 5515.01; and

WHEREAS, Council has reviewed the proposed Revocable Use Permit and finds it to be in compliance with all the provisions of ORC Section 5515.01 and determines it to be in the best interests of the health, safety, and welfare of the citizens of Avon that said permit be granted.

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

Section 1 - That the Mayor is hereby authorized to execute a Revocable Use Permit to authorize the entity Vic Kasner Avon Be, LLC, its successors and assigns, as the owner of Permanent Parcel No. 04-00-015-101-128 to occupy a portion of the City Right-of-Way at 36160 Detroit Road, a width of approximately 113.40 feet. A copy of the Revocable Use Permit is marked [Exhibit A](#), attached hereto, and incorporated herein by this reference.

Section 2 - That the Clerk of Council is hereby directed to file the Revocable Use Permit with the Lorain County Recorder.

Section 3 - That is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all

deliberations of this Council and of any of its committees which resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public, health, safety, and welfare of the citizens of the City of Avon, Ohio, the immediate emergency being the necessity to enter into a revocable use permit with the owner of 36160 Detroit Road to occupy a part of the Right-of-Way in the City of Avon, Ohio along an approximately 113.40 feet section of Detroit Road and running the partial width of PPN 04-00-015-101-128; 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: _____
Electronically and at City Hall as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director