

RESOLUTION NO. R-6-25

A RESOLUTION TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY WILLIAM M. HRICOVEC, TRUSTEE & ABBY L. HRICOVEC, TRUSTEE TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 3570 STONEY RIDGE ROAD, PERMANENT PARCEL NO. 10-04-00-011-107-225 CONSISTING OF 10.33 ACRES AND LAND LOCATED AT 37114 HALSTED LANE, PERMANENT PARCEL NO. 10-04-00-011-107-177 CONSISTING OF 1.35 ACRES DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, AND DECLARING AN EMERGENCY

WHEREAS, the General Assembly of the State of Ohio has enacted Sections 929.01 to 929.05 of the Revised Code to permit the establishment of Agricultural Districts to preserve agricultural land, to exempt land in those Districts from the collection of specified assessments, to provide other benefits for land in those districts, to forbid municipal, township and county zoning from restricting agricultural production, and to provide a right to farm by exempting generally accepted agricultural practices from air pollution laws and certain nuisance statutes, rules, and ordinances; and

WHEREAS, Section 929.02(A) allows any person who owns agricultural land to file an application with the County Auditor to place the land in an Agricultural District for five (5) years if, during the three (3) calendar years prior to the year in which that person files the application, the land has been devoted exclusively to agricultural production, the land is composed of tracts, lots or parcels that total not less than ten (10) acres and the land produced an average yearly gross income of at least Twenty-Five Hundred Dollars (\$2,500.00) during that three (3) year period or the owner has evidence of an anticipated gross income of that amount from those activities; and

WHEREAS, if the land owned by the person qualifying under Section 929.02(A) is located in a municipality, Section 929.02(B) of the Revised Code provides that the legislative authority of a municipal corporation may approve, reject or modify an application for inclusion in an Agricultural District filed pursuant to 929.02(A) of the Revised Code, if such rejection or modification is necessary to prevent a substantial adverse effect on, among other things, the provision of municipal services within the municipality or the public health, safety, or welfare; and

WHEREAS, the City of Avon, like all other cities within the State of Ohio, is constantly concerned about increased costs of municipal operations and reduced sources of funding those operations thereby making it difficult at times to provide certain types of municipal services to its residents and protect their public health, safety, and welfare; and

WHEREAS, City Council, in dealing with applications for inclusion of property into an Agricultural District, deems it in the best interests of the health, safety and welfare of the community as a whole to approve said applications with appropriate modifications; and

WHEREAS, William M. Hricovec, Trustee & Abby L. Hricovec, Trustee have filed such an application for Permanent Parcel Nos. 10-04-00-011-107-225 and 10-04-00-011-107-177,

consisting of 11.68 acres, which is attached hereto and incorporated herein (Exhibit A) as though fully rewritten; and

WHEREAS, pursuant to Ohio Revised Code §929.02(B), notice of a Public Hearing was duly publicized and held on February 24, 2025 at 7:20 P.M.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 - That the application for inclusion into the agricultural district pursuant to ORC Section 929.02(B) is hereby approved subject to the following conditions/modifications, the necessity of which having been demonstrated in the above recitals:

The real estate, which is the subject of the instant application, will not be deemed exempt from the collection of special assessments for water, sewer and/or electrical service until such time as the Council of the City of Avon deems itself assured of the receipt of sufficient funds from other sources to cover the cost of constructing said public improvement.

At such time in the future when Council shall resolve to enact a water or sanitary sewer improvement for which a special assessment must be levied upon real estate falling within the Agricultural District, the Clerk of Council will notify subject property owners, whose application for inclusion in the Agricultural District has been approved with the instant modification, by certified mail, return receipt requested.

At such time as Council deems itself assured of the receipt of sufficient funds to cover the cost of the public improvements, it shall lift the instant modification and, thereby grant exemption to the subject property located within the Agricultural District, effective on the date of original application.

In the event that Council deems that sources of outside funding are not available, then the instant modification will remain in effect and special assessment taxes will be levied upon property within the Agricultural District until such time as the situation changes and Council deems itself assured of receiving sufficient funding from such other source.

Section 2 - 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 Resolution 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 3 - That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to provide for the approval of the application for inclusion of certain land into an agricultural district, subject to conditions/modifications set forth herein; therefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: February 24, 2025 DATE SIGNED: February 24, 2025

By: Brian J. Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: February 25, 2025

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Barbara Brooks, Clerk of Council

POSTED: February 26, 2025
Electronically and at City Hall as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Resolution No. R-6-25, passed by the Council of said City on February 24, 2025.

IN WITNESS WHEREOF, I have on this 25th day of February 2025, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio

**APPLICATION FOR PLACEMENT OF
FARMLAND IN AN AGRICULTURAL DISTRICT
(O.R.C. Section 929.02)**

New Application _____
Renewal Application _____

(See page 4 for General Information regarding this Application)

EXHIBIT A TO RESOLUTION NO. R-6-25

INSTRUCTIONS FOR COMPLETING APPLICATION

Print or type all entries.

- o List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- o Describe location of property by roads, etc., and taxing district where located.
- o State whether any portion of land lies within a municipal corporation.
Note: See "Where to File" on page 4 to be sure that a copy of this Application is also filed with the Clerk of the municipal legislative body as well as the County Auditor.
- o A renewal application must be submitted after the first Monday in January and prior to the first Monday in March of the year in which the agricultural district terminates for the land to be continued in this program.
- o If the acreage totals 10 acres or more, do not complete Part D.
- o If the acreage totals less than 10 acres, complete either D (1) or (2).
- o Do not complete page 3. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

A. Owner's Name: William M. and Abby L. Hricovec Trustees,

Owner's Address: 3570 Stony Ridge Rd Avon, OH 44011

Owner's Email (optional):¹ bhricovec@gmail.com

Description of Land as Shown on Property Tax Statement:

Location of Property:
Street or Road-
County-

TAX DISTRICT(S)	PARCEL NUMBER(S)	# of Acres
10 - Avon City / Avon LSD	0400011167225	10.33
10 - Avon City / Avon LSD	040001107177	1.35
Total Number of Acres		11.68

- B. Does any of the land lie within a municipal corporation limit or subject to pending annexation?
Yes ☒ No ☐

If YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.

¹ Enter the "internet identifier record" typically know as an electronic mail address, or any other designation used for self-identification or routing in internet communication or posting, provided for the purpose of receiving communication.

DO NOT COMPLETE FOR OFFICIAL USE ONLY

CAUV Application No. 2012-0011

Action of County Auditor

Application Approved ☒ Rejected ☐ *

° Pending city approval

Date Application Filed with County Auditor Jan. 10, 2025

Date Filed (if required) with Clerk of Municipal Corporation _____

County Auditor's Signature J. Craig Snodgrass, CPA, CGFM
Lorain County Auditor

Date 2/6/25

Date Decision Mailed and Emailed¹ to Applicant _____

Email Address¹ _____

RECEIVED
2025 JAN 10 PM 3:04
LORAIN COUNTY
AUDITOR

OR

Date Decision Sent Certified Mail to Applicant Feb. 06, 2025

Certified Mail No. 9489 0090 0027 6477 2913 50

Action of Legislative Body of Municipal Corporation

Application Approved _____ Approved with Modifications _____ * Rejected _____ *

Date Application Filed with Clerk 2/11/2025

Date of Public Hearing 2/24/2025

Date of Legislative Action 2/24/2025

Clerk's Signature Bailiana Brook Date 2/25/2025

Date Decision Mailed and Emailed¹ to Applicant 2/25/2025

Email Address¹ bhricovec@gmail.com

OR

Date Decision Sent Certified Mail to Applicant _____

Certified Mail No. _____

* IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION

¹ Enter the "internet identifier record" typically know as an electronic mail address, or any other designation used for self-identification or routing in internet communication or posting, provided for the purpose of receiving communication.