

ORDINANCE NO. 19-25

**AN ORDINANCE TO AUTHORIZE THE MAYOR TO ACCEPT THE
MODIFIED STORM SEWER EASEMENT ACROSS SUBLOT
NO. 17 (3198 STONE WHEEL RUN) LOCATED IN
SCHWARTZ ROAD SUBDIVISION NO. 1
AND DECLARING AN EMERGENCY**

WHEREAS, Alex, Jr. and Karen Michalczyk are the owners of Sublot No. 17 located at 3198 Stone Wheel Run in the Schwartz Road Subdivision No. 1; and

WHEREAS, the Michalczyk's filed an application with the Avon Planning Commission on January 17, 2025 requesting a minor modification of the storm sewer easement (a.k.a. drainage easement) across the rear of their property to facilitate the construction of an in-ground swimming pool; and

WHEREAS, the storm water easement is owned by the Stone Wheel Run Homeowners Association (HOA) and, in the event of a default by that entity, the City of Avon; and

WHEREAS, the HOA has reviewed the plans and specifications for the installation of the in-ground pool and for the relocation of the storm water easement at the rear of the Michalczyk's property and has approved of same; and

WHEREAS, Planning Commission, on behalf the City of Avon, reviewed the application for this minor modification of the storm sewer easement on February 19, 2025 and by a vote of four (4) in favor and zero (0) opposed approved the proposed modification; and

WHEREAS, Council, having reviewed the application, plans and specifications and the recommendation of Planning Commission, hereby accepts the modification/relocation of the storm sewer easement in the rear of the Michalczyk's property and find that authorizing the Mayor to accept said easement to be in the best interests of the health, safety, and welfare of the community thus enabling the owners to begin installation of their pool as soon as possible.

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

Section 1 - That Council hereby accepts the recommendation of the Planning Commission and hereby authorizes the Mayor to accept the modified storm water easement (drainage easement) for Sublot No. 17 in the Schwartz Road Subdivision No. 1, a parcel located at 3198 Stone Wheel Run and owned by Alex Jr. and Karen Michalczyk, Permanent Parcel No. 04-00-026-108-134. Council authorizes the Mayor to execute the necessary document to evidence the City's acceptance as set forth in the attached [Exhibit A](#) which is incorporated herein by this reference.

Section 2 –That it 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 that resulted in

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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 3 - 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 accept the amended storm water easement for Sublot No. 17 in the Schwartz Road Subdivision No. 1 to give the owners the opportunity to immediately begin construction of their in-ground pool; 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 _____

By: _____
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks, Clerk of Council

POSTED: _____
Electronically and at City Hall as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director