

**ORDINANCE NO. 8-21**

**AN ORDINANCE ACCEPTING THE DEDICATION OF A 60' PUBLIC RIGHT OF WAY EASEMENT, TO WIT: THE EASTERN EXTENSION OF PEAR STREET, AND DECLARING AN EMERGENCY**

**WHEREAS**, Pear Street is an improved and dedicated public street in the City of Avon that currently runs from Nagel Road, east approximately 443' and then terminates at the western property line of Jerome R. and Margaret L. Potash, at 33493 Pear Street, Permanent Parcel No. 04-00-104-111-195; and

**WHEREAS**, Thomas J. Nagel currently owns property at 33435 Detroit Road, Permanent Parcel No. 04-00-027-102-063, which abuts the Potash property at Nagel's southern border; and

**WHEREAS**, Thomas J. Nagel brought forth plans to Planning Commission on July 15, 2020 to create a lot split involving the southern portion of his Detroit Road lot, the northern portion of the Potash lot and the extension of Pear Street (See Lot Split & Consolidation Survey map attached hereto as Exhibit A); and

**WHEREAS**, said lot split requires Potash to grant the City a right of way easement across, the northern portion of their land abutting the Nagel property, dedicate an additional 0.2053 acres of that land (approximately 149'x 60') to the City of Avon as an unimproved right of way extension of Pear Street so as not to create a landlocked parcel; and

**WHEREAS**, pursuant to the City Charter, Planning Commission held a Public Hearing on July 15, 2020; and

**WHEREAS**, at the conclusion of the Public Hearing, Planning Commission reviewed the proposed lot splits and dedication of right of way and by a vote of Five (5) in favor and Zero (0) opposed, voted to recommend approval to City Council; and

**WHEREAS**, Council has had the opportunity to review the proposed dedication of the right of way extension of Pear Street as per the lot split survey map and after discussion, review and further consideration, Council finds that acceptance of same would promote the health, safety and welfare of the citizens of Avon by making additional lands available for future extension and/or widening of the public roadway (Pear Street), and appurtenances thereto.

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

Section 1 – That the dedication of an additional 0.2053 acres of land (approximately 149x60') to the east of the current terminus of Pear Street as unimproved right of way currently owned by Jerome R. and Margaret L. Potash and further described in Exhibit AA@, which is attached hereto and incorporated herein by reference, is hereby accepted and the premises conveyed are hereby dedicated as part of an unimproved public right of way which shall continue to be known as Pear Street.

Ordinance 8-21 (Con't)

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 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 dedication of approximately 0.2053 acres of unimproved right of way to facilitate the lot split between Nagel and Potash and for the possible future extension and/or widening of the public roadway, viz. Pear Street; 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: \_\_\_\_\_  
In Five Places as  
Provided by Council

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