

ORDINANCE NO. 57-21

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
LICENSE AGREEMENT WITH MOORE MONTESSORI EDUCATIONAL SERVICES,
LLC, DBA AVON MONTESSORI TO EXPAND THEIR OUTDOOR
CLASSROOM SPACE ON A PORTION OF LAND OWNED
BY THE CITY OF AVON BEHIND 37701 COLORADO
AND DECLARING AN EMERGENCY**

WHEREAS, Montessori Educational Services, LLC, dba Avon Montessori (hereinafter referred to as “the school”) operates a Montessori School at 37701 Colorado Ave., Avon, Ohio; and

WHEREAS, the school would like to expand its outdoor classroom space behind their facility but to do so would require them to enter upon land owned by the City of Avon; and

WHEREAS, said City owned land is at the top of the bank of French Creek and rarely utilized by the City for creek maintenance (City has other means of access to the creek); and

WHEREAS, to facilitate the outdoor expansion of the classroom and to encourage the continued success of local businesses in the Avon area, the Administration has requested that Council authorize the Mayor to enter into a License Agreement with the school to enable it to utilize this space; and

WHEREAS, Council, after reviewing the License Agreement and exhibits attached thereto and hearing from the Licensee and members of the Administration, has determined that granting the Mayor the authority to enter into a License Agreement with the school for the purpose of expanding outdoor classroom space is in the best interest of the health, safety and welfare of the citizens of this community.

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 enter into a License Agreement with Montessori Educational Services, LLC, dba Avon Montessori, granting it permission to utilize and maintain an expanded outdoor classroom area behind its school located at 37701 Colorado Ave. on a portion of property owned by the City immediately behind their building. A copy of said License Agreement in substantially its final form is attached hereto as AExhibit A@ and incorporated herein by 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 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

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Avon, the immediate emergency being the necessity to enter into a License Agreement with the Avon Montessori School for additional outdoor classroom space at 37701 Colorado Ave. prior to the start of the 2021-2022 school year; 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