

ORDINANCE NO. 63-21

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE USE PERMIT FOR 1225 MOORE ROAD, PERMANENT PARCEL NO. 04-00-009-000-015, TO OCCUPY A PORTION OF THE CITY RIGHT OF WAY ALONG A SECTION OF MOORE ROAD (EAST SIDE) A WIDTH OF APPROXIMATELY 637.45 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, Lawrence J. and Cynthia A. Tracey own property at 1225 Moore Road in the City of Avon upon which is erected a split rail fence that currently encroaches, and has encroached for some time, into the Moore Road Right of Way.

WHEREAS, the Ohio Department of Transportation (ODOT) plans to make improvements to Moore Road beginning in Avon Lake and extending south to Chester Road in the City of Avon; and

WHEREAS, in order to permit the Traceys to continue to maintain their fencing along Moore 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 enter into a Revocable Use Permit with Lawrence J. and Cynthia A. Tracey, their successors and assigns, as the owners of Permanent Parcel No. 04-00-009-000-015 authorizing them to temporarily occupy a portion of the City Right of Way at 1225 Moore Road, a width of approximately 637.45 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

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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 owners of 1225 Moore Road to occupy a part of the Right of Way in the City of Avon, Ohio along a 637.45 section of Moore Road and running the entire width of PPN 04-00-009-000-015; 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, President of Council

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks, Clerk of Council

POSTED: _____
In five places as
Provided by Council

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