

RESOLUTION NO. R-20-24

A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF REZONING APPROXIMATELY 17.7 ACRES OF LAND LOCATED ON THE WEST SIDE OF NAGEL ROAD BETWEEN MIDDLETON & DETROIT ROADS, PERMANENT PARCEL NOS. 10-04-00-022-102-044, 10-04-00-022-102-043, 10-04-00-022-102-039, 10-04-00-022-102-041, 10-04-00-022-102-042, 10-04-00-022-102-047 & 10-04-00-022-102-048 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS DISTRICT AT THE NOVEMBER 5, 2024 GENERAL ELECTION PURSUANT TO THE AVON CITY CHARTER, ARTICLE VII, SECTION 2(e) AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Article VII, Section 2(e) passed by the voters on November 7, 2006, any ordinance passed by City Council rezoning a parcel of land located south of Interstate 90 and north of Detroit Road from a Residential District classification to something other than a Residential District classification shall not be deemed effective until passed by an affirmative vote of a majority of the electors voting thereon at a regularly scheduled general election; and

WHEREAS, on April 1, 2024, Council passed Ordinance No. 30-24 to rezone approximately 17.7 acres of land, Permanent Parcel Nos. 10-04-00-022-102-044, 10-04-00-022-102-043, 10-04-00-022-102-039, 10-04-00-022-102-041, 10-04-00-022-102-042, 10-04-00-022-102-047 & 10-04-00-022-102-048, from R-1 Residential District to C-4 General Business District. This land lies south of I-90 and north of Detroit Road along the west side of Nagel Road, between Middleton Road and Detroit Road; and

WHEREAS, Council, without delay, desires to place this rezoning issue on the ballot at the next regularly scheduled general election to be held on Tuesday, November 5, 2024.

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

Section 1 – That there shall be submitted to the electors of the City of Avon at the General Election to be held Tuesday, November 5, 2024 at the regular places of voting between the hours of 6:30 A.M. and 7:30 P.M., the question of whether to rezone parcels of land owned by Isomer Group, LLC situated south of Interstate 90 and consisting of approximately 17.7 acres, Permanent Parcel Nos. 10-04-00-022-102-044, 10-04-00-022-102-043, 10-04-00-022-102-039, 10-04-00-022-102-041, 10-04-00-022-102-042, 10-04-00-022-102-047 & 10-04-00-022-102-048, located on the west side of Nagel Road between Middleton Road and Detroit Roads. (See Exhibit “A”)

Section 2 - The ballots for said election shall, at the top thereof, be entitled "Proposed Rezoning" and the question to be submitted on said ballot shall be in a form as set forth in Exhibit “B”.

Section 3 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 4 - That this Resolution 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 of Council to submit, in a timely fashion, this proposed rezoning request to the voters of the City of Avon at the next General Election to be held on November 5, 2024 General Election and prior to the August 7, 2024 Board of Elections filing deadline; therefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: May 28, 2024 DATE SIGNED: May 28, 2024

BY: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: May 29, 2024

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks, Clerk of Council

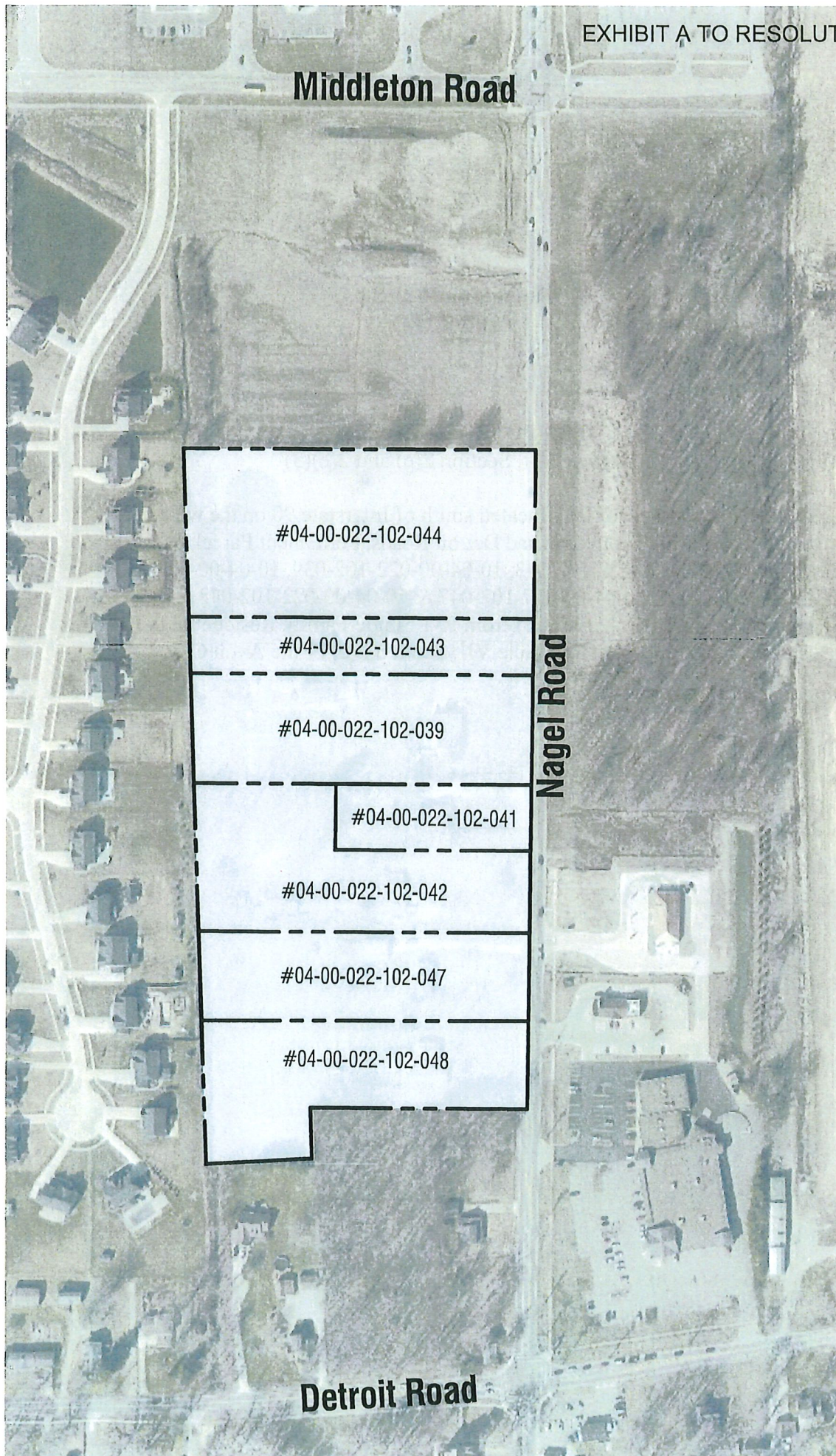
POSTED: May 31, 2024
Electronically and at City Hall as
Provided by Council

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-20-24, passed by the Council of said City on May 28, 2024.

IN WITNESS WHEREOF, I have on this 29th day of May 2024, affixed my signature and official seal.

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



Middleton Road

Nagel Road

Detroit Road

#04-00-022-102-044

#04-00-022-102-043

#04-00-022-102-039

#04-00-022-102-041

#04-00-022-102-042

#04-00-022-102-047

#04-00-022-102-048

Resolution R-20-24
Exhibit “B”

PROPOSED REZONING
Article VII, Section 2(e) and 2(e)(3)

Shall a 17.7 acre parcel of land located south of Interstate 90 on the west side of Nagel Road between Middleton Road and Detroit Roads, Permanent Parcel Nos. 10-04-00-022-102-044, 10-04-00-022-102-043, 10-04-00-022-102-039, 10-04-00-022-102-041, 10-04-00-022-102-042, 10-04-00-022-102-047 & 10-04-00-022-102-048 and owned by Isomer Group, LLC, be rezoned from R-1 Single Family Residential to C-4 General Business District pursuant to Article VII, Section 2(e) of the Avon City Charter?

YES _____

NO _____

Newspaper

NA

Form No. 19 Prescribed by the Secretary of State 2-93

Receipt for Resolutions

No.

Office of the Board of Elections, Lorain County, Ohio, May 30, 2024

Received of Rachel Markovitz 440 937 7834 Avon City

DESCRIPTION - PURPOSE, RATE, DATE OF ELECTION, ETC.

☐ TAX LEVY -

☐ BOND ISSUE -

☐ CHARTER AMENDMENT -

☒ OTHER - Resolution 20-24 Rezoning

BOARD OF ELECTIONS, By

Wail Shuford

(SIGNED)

Certificate of Result of Election on Question or Issue

R.C. 3501.11

State of Ohio

County of Lorain }The Board of Elections of Lorain County hereby certifies that at the electionheld in the ¹ City of Avon

(Name of Subdivision)

on the 5th day of November, 2024, the vote cast on the following issue was as follows:
(Day) (Month) (Year)

PROPOSED REZONING

Avon City

A majority affirmative vote is necessary for passage

Shall a 17.7 acre parcel of land located south of Interstate 90 on the west side of Nagel Road between Middleton Road and Detroit Roads, Permanent Parcel Nos. 10-04-00-022-102-044, 10-04-00-022-102-043, 10-04-00-022-102-039, 10-04-00-022-102-041, 10-04-00-022-102-042, 10-04-00-022-102-047 & 10-04-00-022-102-048 and owned by Isomer Group, LLC, be rezoned from R-1 Single Family Residential to C-4 General Business District pursuant to Article VII, Section 2(e) of the Avon City Charter?

(Tax levy, bond issue, miscellaneous question, etc.- describe fully)

Votes YES

(For, yes, etc.-as on ballot)

6,794

(Number)

Votes NO

(No, against, etc.-as on ballot)

6,827

(Number)

Total vote cast on issue:

13,621

(Number)

IN WITNESS WHEREOF, we have hereunto subscribed our names officially at

Lorain
(City or Village), Ohio, this 26 day of November, 2024.
(Day) (Month) (Year)

Received

DEC 02 2024

Clerk of Council
City of Avon

BB

Attest:



Director

Board of Elections

Lorain

County, Ohio.

¹ Appropriate subdivision. A copy must be sent to the Ohio Department of Taxation, Tax Equalization Division (tax levy or bond issue); Ohio Department of Taxation, Tax Analysis and Local Government Division (income tax); county auditor (levy or bond issue); and Secretary of State. To be submitted only by the most populous county board of election if multi-county issue.