

ORDINANCE NO. 103-25

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE USE PERMIT FOR 37500 COLORADO LAND, LLC, PPN 04-00-010-111-020 TO OCCUPY A PORTION OF THE CITY RIGHT-OF-WAY ALONG A SECTION OF COLORADO AVENUE (EAST SIDE) A WIDTH OF APPROXIMATELY 239.9 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, the entity 37500 Colorado Land, LLC owns property at 37500 Colorado Avenue in the City of Avon upon which is erected a parking lot which currently encroaches, and has encroached for some time, into the Colorado Avenue (Rt. 611) Right of Way; and

WHEREAS, in the future the City of Avon, in conjunction with the Ohio Department of Transportation (ODOT), may need to make improvements to Colorado Avenue (State Route 611) across the Colorado Avenue frontage of the above noted property, PPN 04-00-010-111-020; and

WHEREAS, to permit the entity 37500 Colorado Land, LLC to continue to maintain the parking lot/driveway along Colorado Avenue, 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 execute a Revocable Use Permit to authorize the entity 37500 Colorado Land, LLC, its successors and assigns, as the owner of PPN 04-00-010-111-020 to occupy a portion of the City Right-of-Way at 37500 Colorado Avenue, a width of approximately 239.9 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 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 owner of 37500 Colorado Ave. to occupy a part of the Right-of-Way in the City of Avon, Ohio along an approximately 239.9 feet section of Colorado Ave. and running the partial width of PPN 04-00-010-111-020; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: November 10, 2025 DATE SIGNED: November 10, 2025

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: November 11, 2025

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: November 12, 2025
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 Ordinance No. 103-25, passed by the Council of said City on November 10, 2025.

IN WITNESS WHEREOF, I have on this 11th day of November 2025, affixed my signature and official seal.

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

REVOCABLE USE PERMIT

**CITY OF AVON
LORAIN COUNTY, OHIO**

And

**37500 Colorado Land Co. LLC
37500 Colorado Avenue
Avon, Ohio 44011
PP# 04-00-010-111-020**

Under the provisions of Section §§ 5515.01 of the Ohio Revised Code, permission is hereby granted to use or occupy a part of the right-of-way in the City of Avon, Ohio along a section of the east side of Colorado Avenue (State Route 611) and running the width of PPN 04-00-010-111-020, approximately 239.9 feet. The property is currently owned by 37500 Colorado Land Co. LLC.

The permitted encroachment is solely for the purpose of permitting the abutting property owner to occupy a portion of the right-of-way upon which a parking lot/driveway currently encroaches, and has encroached for some time, into the Colorado Avenue (Rt. 611) right-of-way.

The revocable use area is identified in the legal description and survey map, both of which are attached hereto and incorporated herein by this reference. (Exhibits A and B, respectively).

This revocable use permit is hereby granted with the understanding that the undersigned property owner will abide by all the conditions set forth in Ohio Revised Code Section 5515.01.

The granting of this Revocable Use Permit shall not be construed as an abridgement or waiver of any rights which the **CITY OF AVON** has in exercising its jurisdictional powers and this permit shall be binding upon the **CITY OF AVON** and the permittee, his/her/its heirs, successors and assigns.

The **CITY OF AVON**, at any time and for any reason, may order the removal of the encroachments, i.e., the parking lot/driveway that is the subject of this revocable use permit. If for any reason the **CITY OF AVON** or its duly authorized representative(s) deems it necessary to order the removal, reconstruction, relocation or repair of the encroachments, it shall be promptly undertaken at the sole expense of the owners (permittees) thereof. Failure on the part of the permittee to conform to the provisions of this permit will be cause for suspension, revocation or annulment of this permit, as the **CITY OF AVON** deems necessary, and the City may remove the encroachment at the permittee's sole expense. The permittee agrees to indemnify and save the **CITY OF AVON** harmless from any claims by any person for personal injury or damages allegedly arising from the existence or maintenance of the encroachment.

No alterations may be made to the encroachments except that the permittee may perform such routine maintenance as is required to keep the encroachment in good condition. If the encroachment is removed or destroyed, no new facilities shall be permitted to encroach on the Colorado Avenue (St. Rt. 611) A right-of-way without a new express, written consent of the **CITY OF AVON**. The encroachment for which this permit is issued shall be subject to all permits required by the **CITY OF AVON**.

Any requests relative to the encroachment shall be made in writing to the following:

CITY OF AVON
Law Director
36815 Detroit Road
Avon, Ohio 44011

Dated at Avon, Ohio this 25th day of November, 2025.

37500 COLORADO LAND, LLC

By: Valerie Schuster
Valerie Schuster, Managing Member

STATE OF OHIO,

SS.

COUNTY OF LORAIN

The foregoing instrument was acknowledged before me this 25th day of November, 2025 by Valerie Schuster, Managing Member.



BARBARA J BROOKS
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
04-22-2027

By: Barbara J. Brooks
NOTARY PUBLIC

Accepted this 25th day of November, 2025.

By: Bryan K. Jensen
Bryan K. Jensen, Mayor
City of Avon

EXHIBIT A TO REVOCABLE USE PERMIT

Revocable Use Permit
PPN 04-00-010-111-020
October 2025

Legal Description
0.1035 of an Acre

Situated in the City of Avon, County of Lorain and State of Ohio and known as being part of Original Avon Township Section Number 10 and further known as part of the land described in a deed to 37500 Colorado Building, LLC as recorded in Instrument Number 2025-0051740 of the Lorain County Records, being further described as follows:

Beginning in the original centerline of Colorado Avenue (State Route 611) (width varies) at the northwesterly corner of said 37500 Colorado Building, LLC parcel;

Course 1: Thence **North 65° 38' 28" East**, along the northerly line of said 37500 Colorado Building, LLC parcel, a distance of **30.02 feet** to a point in the easterly right of way of Colorado Avenue;

Course 2: Thence **South 26° 38' 13" East**, along the easterly right of way of Colorado Avenue a distance of **239.91 feet** to a point the southerly line of said 37500 Colorado Building, LLC parcel;

Course 3: Thence **South 65° 35' 24" West**, along the southerly line of said 37500 Colorado Building, LLC parcel, a distance of **3.38 feet** to a point;

Course 4: Thence leaving said southerly line, **North 34° 06' 20" West**, a distance of **204.85 feet** to a point in the original centerline of Colorado Avenue;

Course 5: Thence **North 26° 38' 13" West**, along the original centerline of Colorado Avenue, a distance of **37.85 feet** to the point of beginning.

Containing within said bounds an area of **0.1035 of an acre** (4,507 square feet) of which 0.1035 of an acre lies within the right of way of Colorado Avenue, be the same more or less, but subject to all legal highways and easements of record as surveyed by Amy M. Kelly, P.S. 8469 for Bramhall Engineering & Surveying Company in April, 2019 and April, 2025.

Revocable Use Permit
PPN 04-00-010-111-020
October 2025

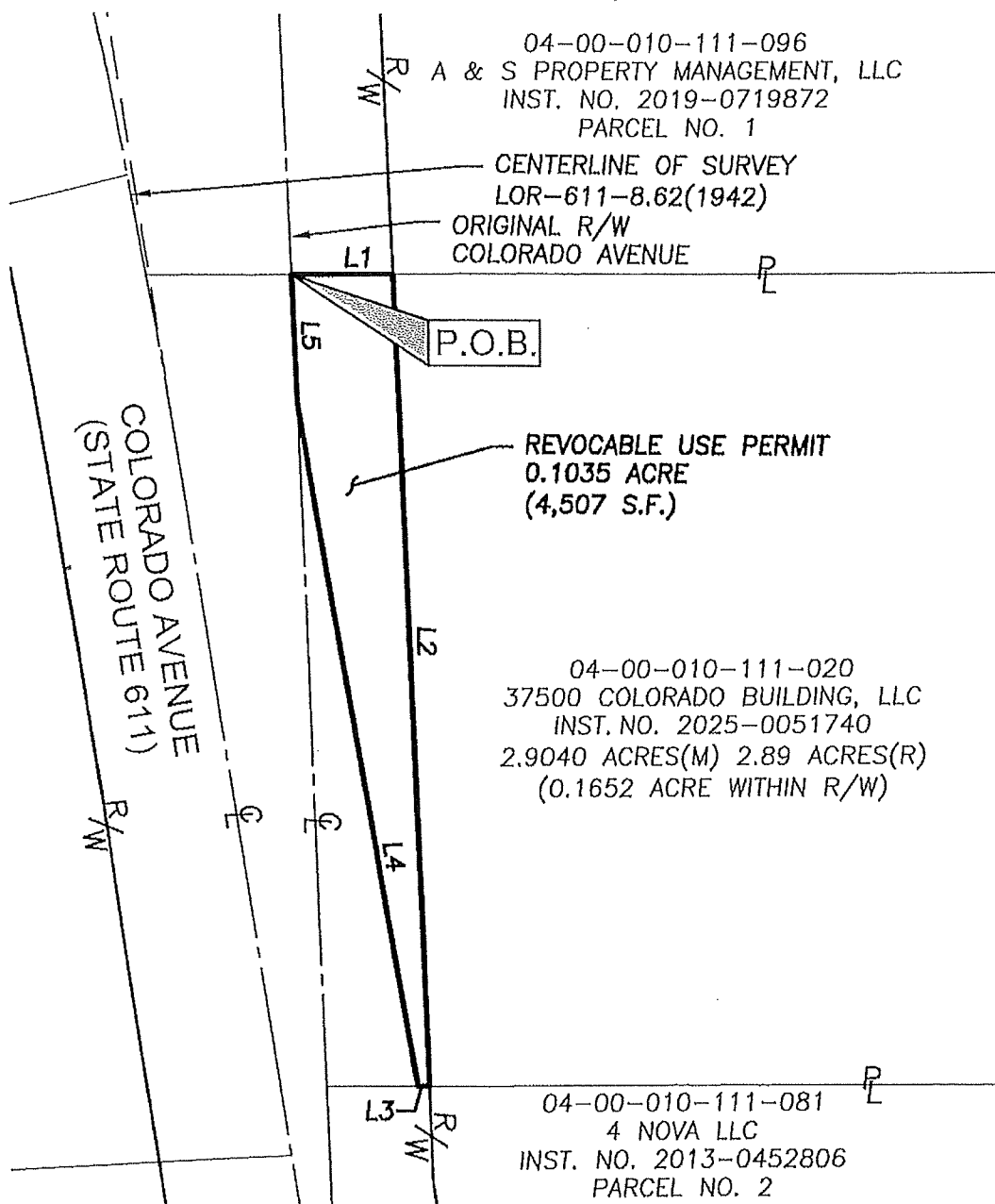
Legal Description
0.1035 of an Acre

Bearings are based on Ohio State Plane North Zone NAD83(2011) Grid North.



10/31/2025

REVOCABLE USE PERMIT

ACROSS PARCEL NO. 04-00-010-111-020
CITY OF AVON, COUNTY OF LORAIN, STATE OF OHIO

LINE TABLE

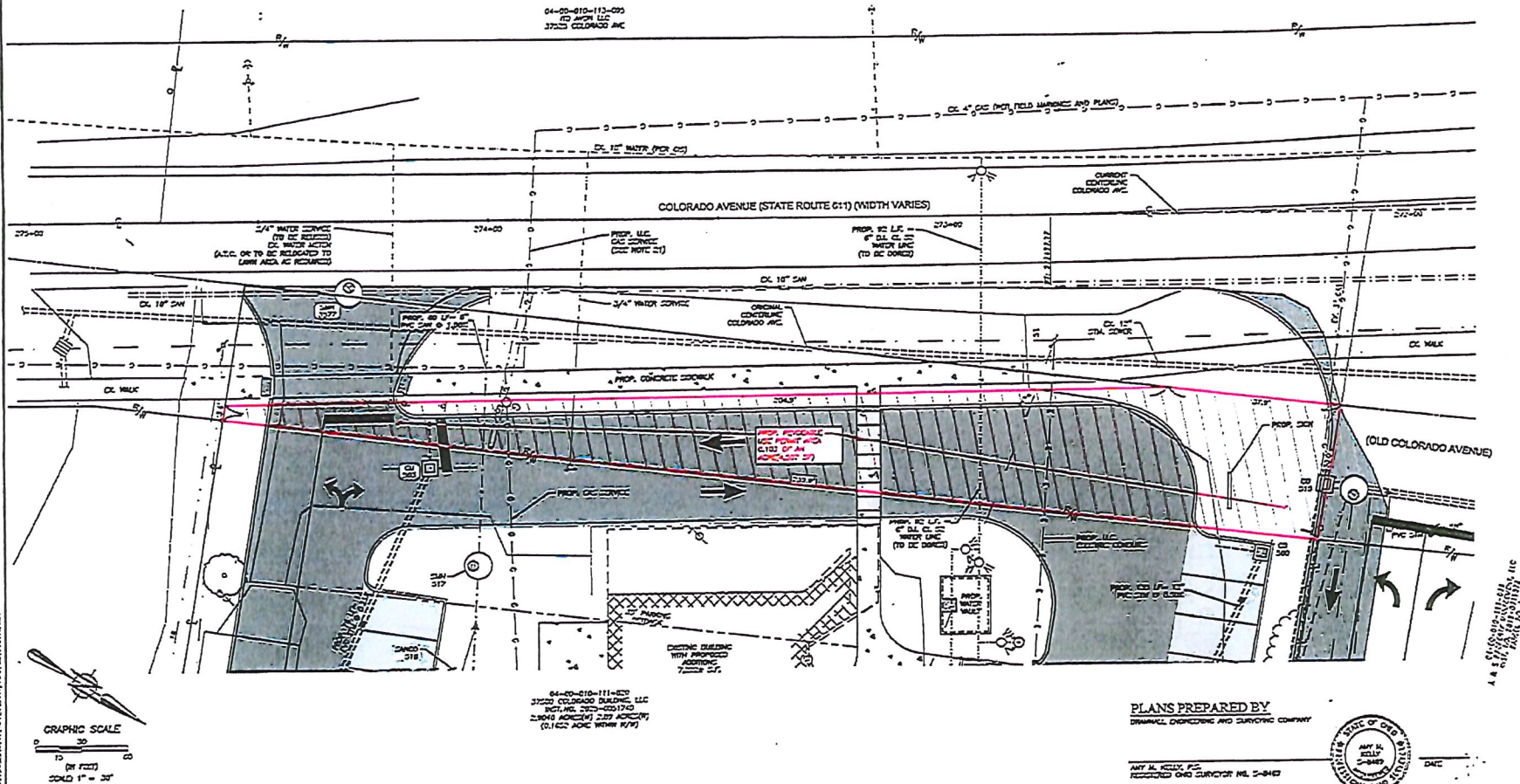
LINE	BEARING	LENGTH
L1	N65°38'28"E	30.02'
L2	S26°38'13"E	239.91'
L3	S65°35'24"W	3.38'
L4	N34°06'20"W	204.85'
L5	N26°38'13"W	37.85'

0 50 100
25
SCALE IN FEET
SCALE: 1" = 50'

DATE PREPARED: 2025-10-28
JOB NO. 25-6292

BRAMHALL
ENGINEERING AND SURVEYING COMPANY
801 MOORE ROAD AVON, OHIO 44011
(440) 934 - 7878 (440) 934 - 7879 FAX

Abstract



PLANS PREPARED BY
DRAWING, ENGINEERING AND SURVEYING COMPANY

AMY M. KELLY, P.E.
REGISTERED GEO SURVEYOR NO. 2-8462



61-10-010-111-011
A 5 11/24/97 00:00:00
011 1A 111-011-011

[illegible]

DRAINAGE	OK
CHANGES	



BRAMHALL
ENGINEERING AND SURVEYING COMPANY
801 MOORE ROAD AVON, OHIO 44011
(440) 724-7878 (440) 724-7879 FAX

PREPARED FOR

STEVEN SCHUSTER
37500 COLORADO AVENUE
AVON, OHIO 44011

WESTSIDE PANCAKE COMPANY IMPROVEMENTS
REVOCABLE USE PERMIT EXHIBIT
CITY OF AVON, COUNTY OF LORAIN, STATE OF OHIO

SHEET
1 OF 1
JOB NO.
24-6392