

ORDINANCE NO. 69-26

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO
CONVEY STONE RIVER DRIVE TO THE BOARD OF PARK
COMMISSIONERS, LORAIN COUNTY METROPOLITAN PARK DISTRICT
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Avon holds fee simple title to a parcel of land known as Stone River Drive that was dedicated as a public street (the “Parcel”); and

WHEREAS, Avon City Council has determined that the Parcel is not needed by the City of Avon as a public street or for any purpose; and

WHEREAS, the Board of Park Commissioners, Lorain County Metropolitan Park District (the “Park District”), a park district created pursuant to Chapter 1545 of the Ohio Revised Code, owns land adjacent to the Parcel that the Park District intends to use as a public park and for recreational trails; and

WHEREAS, eliminating the Parcel as a public street and conveying the Parcel to the Park District will help protect the health, safety and welfare of members of the public when accessing the park and recreational trails of the Park District; and

WHEREAS, eliminating the Parcel as a public street will not result in the denial of access to any property; and

WHEREAS, Section 723.121 of the Ohio Revised Code authorizes the City of Avon to convey the Parcel to the Park District without competitive bidding.

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

Section 1 – That the Mayor is hereby authorized and directed to execute and deliver to the Board of Park Commissioners, Lorain County Metropolitan Park District for recording a deed conveying the Parcel of land identified therein to the Park District in substantially the form as set forth in [Exhibit A](#), attached hereto and incorporated herein by this reference.

Section 2 – That, pursuant to Section 723.121 of the Ohio Revised Code, the Park District shall be required to obtain the approval of the City of Avon of plans and specifications for all buildings or structures and the contemplated use thereof to be constructed on the Parcel, which approval the City shall not unreasonably withhold, condition or delay.

Section 3 – 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 and 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 peace, health, safety, and welfare of the citizens of the City of

Ordinance No. 69-26 (Con't.)

Avon, the immediate emergency being the need to provide safe and convenient access for members of the public to access the Park District's park and recreational trails; 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 J. Brooks, Clerk of Council

Posted: _____
Electronically and at City Hall as
Provided by Council

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