

REVOCABLE USE PERMIT

**CITY OF AVON
LORAIN COUNTY, OHIO**

And

**LAWRENCE J. AND CYNTHIA A. TRACEY
1225 Moore Road
Avon, Ohio 44011
PP# 04-00-009-000-015**

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 eastside of Moore Road and running the width of PPN 04-00-009-000-015, approximately 637.45 feet. The property is currently owned by Lawrence J. and Cynthia A. Tracey. The permitted encroachment is solely for an existing split rail fence to remain in the public 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 property owner will abide by all the conditions set forth in Ohio Revised Code Section 5515.01.

The granting of this 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 split rail fence, 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 Avon Street 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**. A photograph of the existing encroachment is attached to and incorporated into this permit as Exhibit C.

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 _____ day of _____, 2021.

By: _____
LAWRENCE J. TRACEY

STATE OF OHIO, COUNTY OF LORAIN

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by Lawrence J. Tracey.

By: _____
NOTARY PUBLIC

By: _____
CYNTHIA A. TRACEY

STATE OF OHIO, COUNTY OF LORAIN

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by Cynthia A. Tracey.

By: _____
NOTARY PUBLIC

Accepted this _____ day of _____, 2021.

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

STATE OF OHIO, COUNTY OF LORAIN

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by Bryan K. Jensen, Mayor for the City of Avon.

By: _____
NOTARY PUBLIC

Prepared By:

John A. Gasior, Esq.
Law Director