RESOLUTION NO. 2026-23

A RESOLUTION FINDING THAT CERTAIN DESCRIBED SUBMERGED LAND ABBUTTING THE CITY IS NOT NECESSARY FOR THE CONSTRUCTION OR MAINTENANCE OF VARIOUS IMPROVEMENTS.

WHEREAS, Donald J. Tecco's construction of the proposed shore structure is planned to protect the existing upland property at 2323 and 2327 E Erie Avenue, Lorain, OH 44052, from deterioration and erosion; and

WHEREAS, a temporary shore structure permit was submitted for the initial construction of the shore structure improvements to the Office of Coastal Management of the Ohio Department of Natural Resources (ODNR) on April 29, 2026; and,

WHEREAS, upon the expiration of a temporary shore structure permit, a permanent shore structure permit and submerged lands lease permit application is required by ODNR; and,

WHEREAS, in order to receive the required permits from ODNR, the Lorain Port is required by the State of Ohio to make certain findings regarding said land; and

WHEREAS, the use described in the supporting materials is consistent with permitted land uses for the area while not requiring the expenditure of public funds;

WHEREAS, the use described in attached Exhibit A is consistent with permitted land uses for the area; and

WHEREAS, the ODNR shore structure permit and submerged lands lease permit application requires that the port authority with jurisdiction over the project area "has enacted an ordinance or resolution find and determining that such part of the territory, described by metes and bounds or by an alternate description referenced to the applicant's upland property description that is considered adequate by the director, is not necessary or required for the construction, maintenance, or operation by the municipal corporation, county, or port authority of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements and marginal highways in aid of navigation and water commerce and that the land uses specified in the application comply with regulation of permissible land use under a waterfront plan of the local authority," per Ohio Revised Code §1506.11 (B).

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Lorain Port Authority:

SECTION I That the submerged lands associated with the adjacent property at 2323 and 2327 E Erie Avenue and Lake Erie are not necessary or required by the Port Authority for the construction, maintenance, or operation of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements and marginal highways in aid of navigation and water commerce

and that the land uses specified in the application comply with regulation of permissible land uses permitted in the area.

SECTION II That it is found and determined that all formal actions of this Board concerning and relating to the passage of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that 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 III That this Resolution shall, after passage by Board of Directors take effect from and after the earliest period allowed by law.

Ayes: 8 **Nays: 0** **Abstain: 0** **Adopted: 05/12/2026**

Brad Mullins (May 18, 2026 16:14:41 EDT)

Brad Mullins, Chairman

Tiffany McClelland

Tiffany McClelland, Executive Director