

**RESOLUTION NO. 060-23R**

**A RESOLUTION REMANDING MRE DEVELOPMENT CO. LLC'S, D.B.A. SUBWAY®, APPEAL OF THE SANDUSKY LANDMARK COMMISSION DECISION TO DENY THE CERTIFICATE OF APPROPRIATENESS FOR EXTERIOR PAINT COLOR ALTERNATIONS OF THE BUILDING LOCATED AT 160 WAYNE STREET TO THE LANDMARK COMMISSION IN ORDER TO HOLD A *DE NOVO* HEARING; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, Robert Resley, on behalf of MRE Development Co. LLC, d.b.a. Subway®, applied for a Certificate of Appropriateness for exterior paint color alterations at 160 Wayne Street, Sandusky, Ohio; and

**WHEREAS**, on November 15, 2023, the Sandusky Landmark Commission heard testimony and reviewed materials that were presented and denied the application for the Certificate of Appropriateness for the paint color alterations of the building; and

**WHEREAS**, on November 22, 2023, Robert Resley, on behalf of MRE Development Co. LLC, d.b.a. Subway®, appealed the decision of the Sandusky Landmark Commission; and

**WHEREAS**, pursuant to Section 1161.10 of the Codified Ordinances of the City of Sandusky, the Landmark Commission has presented the City Commission with its written findings and the City Commission shall consider these findings and testimony presented during the appeal and either Grant, Deny, or Remand MRE Development Co. LLC's, d.b.a. Subway®, Appeal; and

**WHEREAS**, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to comply with time requirements of Section 1161.10 and to promptly act on this appeal; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Planning, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:**

Section 1. This City Commission has received the written findings from the Sandusky Landmark Commission and considered testimony presented during the appeal from the Landmark Commission's decision and does hereby REMAND the appeal of MRE Development Co. LLC regarding the City of Sandusky's Landmark

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Commission's decision to deny the Certificate of Appropriateness for the exterior paint color alternations of the building located at 160 Wayne Street, Sandusky, Ohio, back to the Landmark Commission for a *de novo* hearing to re-consider the application because the Applicant did not receive proper notice of the Landmark Commission's November 15, 2023 hearing.

Section 2. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

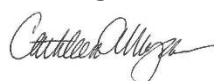
Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



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RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION



ATTEST:

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CATHLEEN A. MYERS  
CLERK OF THE CITY COMMISSION

Passed: December 11, 2023