



LORAIN COUNTY

Board Of Commissioners

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440-329-5107

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440-329-5786

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Ralph Smugala
440-329-5116

Community Development Director

Ronald F. Twining
440-328-2323

Records Center Supervisor

Lynn Wallace
440-326-4866

July 29, 2003

Marsha D. Funk, Clerk
Brownhelm Township Trustees
1940 N. Ridge Road
Vermilion, Ohio 44089

Dear Ms. Funk:

Enclosed is a copy of Resolution No. 03-540, adopted by the Lorain County Board of Commissioners on July 10, 2003 granting proposed Vacation of a portion of Peasley Road, an existing road with a right of way 60' and is located in Original Lot #61 and 68 of Brownhelm Township from Vermilion Road to Portman Road, Lorain County, Ohio.

This is being forwarded for your information and files.

Yours truly,

Theresa L. Upton
Acting Clerk

tlu
Enclosure

Cc: Judy Nedwick, LC Recorder
Mark Stewart, LC Auditor
Kenneth P. Carney, LC Engineer/Attn: John Hamilton
Tom McNair, Tax Map Department
File

RESOLUTION NO. 03-540

In the matter of granting proposed Vacation of a portion of)
Peasley Road, an existing road with a right of way 60' and)
is located in Original Lot #61 and 68 of Brownhelm) July 10, 2003
Township from Vermilion Road to Portman Road, Lorain)
County, Ohio)

WHEREAS, after due and legal advertising and personal notice this is the day fixed for the public hearing by Resolution No. 03-407, adopted May 29, 2003 of a portion of Peasley Road, an existing road with a right of way 60' and is located in Original Lot #61 and 68 of Brownhelm Township from Vermilion Road to Portman Road, Lorain County, Ohio; and

WHEREAS, sixteen (16) abutting owners have signed the petition; and

WHEREAS, notices were forwarded to the Utility Companies, but no response was received; and

WHEREAS, notice of this public hearing was published in the Chronicle Telegram on June 4 and 16, 2003 and on May 20, 2003 notices were also forwarded to property owners and the Clerk of Brownhelm Township; and

WHEREAS, Assistant County Prosecutor Jerry Innes, administered an oath to those wishing to make a comment on this vacation; and

WHEREAS, Commissioner Blair asked for comments from the Lorain County Engineer's Office, there being none; and

WHEREAS, Commissioner Blair asked or comments from the Brownhelm Township Trustees.

Dane Leimbach, Trustee said the road has been barricaded and this road serves as a parking lot for the fisherman, but the property owners get blocked in and would like access to be provided to this area and request the engineer to give a survey of the right of way; and

WHEREAS, Commissioner Blair asked for comments from anyone in favor of this vacation.

Dan Martin, Director, Lorain County MetroParks displayed a map of the proposed area for vacation. Engineer's Office and Brownhelm Trustees agreed the map of the area is correct. Mr. Martin said if this area is granted a vacation, the MetroParks along with the Brownhelm Trustees will put a gate to the south, Township will put in a road and the MetroParks will construct a small parking lot to the left; and

WHEREAS, Commissioner Blair asked for anyone in opposition to this vacation to state their comments. No one present expressed their opposition; and

WHEREAS, Commissioner Blair indicated on June 25, 2003 the Engineer's Office said the Parcel Number indicated on the petition was incorrect but the description is accurate. The Township Trustees submitted Parcel #0100068000008 and should have been #0100068000006; and

WHEREAS, Commissioner Blair moved, seconded by Moore to amend the petition to reflect the new parcel ##0100068000006. Ayes: Blair and Moore / Absent: Vasi attending a NACO seminar.

Motion carried.

NOW, THEREFORE BE IT RESOLVED, that Commissioner Blair moved to grant the vacation of the proposed Peasley Road, an existing road with a right of way 60' and is located in Original Lot #61 and 68 of Brownhelm Township from Vermilion Road to Portman Road, Lorain County, Ohio and said approval is determined to be for the benefit of the public convenience and welfare. Commissioner Moore seconded the motion.

Said Vacation is granted as follows:

PETITION FOR VACATION

Vacate a portion of existing Peasley Road, said road is located in original lots 61 and 68 of Brownhelm Township, said road is 60' in width and runs from Portman Road to Vermilion Road as recorded in the Huron County Recorder's record of plat Volume 1 Page 19. The portion of road to be vacated in described as follows:

Beginning at a point on the centerline of "Vermilion Road at its intersection with the centerline of Peasley Road;

Thence South 56° 20' West along the centerline of Peasley Road a distance of 30' to the extension of the west right of way line of Vermilion Road, this being also, the principle place of beginning;

Thence continuing along the centerline, with the vacation to be 30' on both sides of the centerline, South 56° 20' West a distance of 251.82' to an angle point;

Thence 71° 15' West a distance of 171.60' to an angle point;

Thence 88° 35' West a distance of 139.02' to an angle point;

Thence 47° 30' West a distance of 223.08' to an angle point;

Thence 82° 35' West a distance of 374.88' to an angle point;

Thence in a southerly direction along the centerline of Peasley Road to the northwest corner of parcel #0100068000008 owned by Jack and Allen Smith, which is also the end point of the description of the vacation.

FURTHER BE IT RESOLVED, said Vacation of the aforesaid portion of existing Peasley Road, said road is located in original lots 61 and 68 of Brownhelm Township, said road is 60' in width and runs from Portman Road to Vermilion Road as recorded in the Huron County Recorder's record of plat Volume 1 Page 19, Lorain County, Ohio shall accrue proportionately to the benefit of the adjacent property owners as provided by law.

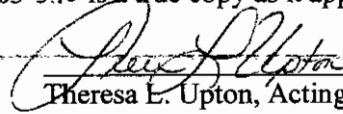
BE IT FURTHER RESOLVED, that the land is within the limits of said street as they are now established, shall forever remain, notwithstanding the passage of this resolution, subject to the rights of utilities now maintaining structures, fixtures and appurtenances in, under, over or upon said lands, to continue to maintain such structures, fixtures and appurtenances, and to enter upon said lands wherever reasonably necessary to do so for the purpose of inspecting, altering, replacing, repairing, patrolling and maintaining such structures, fixtures and appurtenances.

FURTHER BE IT RESOLVED, that a copy of this resolution be forwarded to the County Recorder, Auditor, Engineer, Tax Map and Elyria Township Trustees for recording and filing.

Ayes: Blair & Moore / Absent: Vasi attending a NACO seminar.

Motion carried. _____ (discussion was held on the above)

I, Theresa L. Upton, Acting Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 03-540 is a true copy as it appears in Journal No. 03 on date of July 10, 2003.


Theresa L. Upton, Acting Clerk