

NO TRANSFER NECESSARY

MARK R. STEWART
LORAIN COUNTY AUDITOR

4/13/06 *Jmn*
DEPUTY

VILLAGE OF GRAFTON, OHIO
ORDINANCE NO. 05-010

**AN ORDINANCE VACATING A PORTION OF UNUSED STREET
RIGHT-OF-WAY COMMONLY KNOWN AS NOVAK ROAD**

WHEREAS, the Village Council determined, based on the petition of WXZ Retail Group/Grafton, LLC ("WXZ"), that it was in the Village of Grafton's best interests to consider the vacation of a portion of unused right-of-way commonly known as Novak Road ("Vacation Parcel") abutting the real property owned by WXZ; and ~~passed Resolution No. _____~~; and

WHEREAS, Village Council duly considered the petition and all arguments for and against the same, and finds in its discretion that the best interests of the Village of Grafton would be best served by vacating the Vacation Parcel and that such vacation will not be detrimental to the general interest of the citizens of the Village of Grafton; and

WHEREAS, Village Council has received the consent of all abutting landowners pursuant to Ohio Rev. Code Ann. § 723.06, thereby eliminating the need for public notice pursuant to Ohio Rev. Code Ann. § 723.07;

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Grafton, Ohio, that the right-of-way within the following described parcels, which are also depicted on Exhibit A attached hereto.

PARCEL 1: (WXZ Retail Group/Grafton, LLC)
Parcel No. 34-1100099000029

Situated in the Village of Grafton, County of Lorain and State of Ohio and known as being part of Original Eaton Township Lot No. 99 and bounded and described as follows:

Beginning in the Southerly line of said Lot No. 99, North 87 degrees 33' West, a distance of 218.3 feet as measured along said Southerly line of Lot No. 99, from its point of intersection with the center line of the Medina-Elyria Road which is the Southwesterly corner of land conveyed to Ernest D. and Garnette Clanin by deed dated March 17, 1956 and recorded in Volume 661, Page 538 of Lorain County Records.

Thence North 87 degrees 33' West along said Southerly line of Lot No. 99, a distance of 55.0 feet to an iron pin;

Thence North 2 degrees 33' East, a distance of 155.0 feet to an iron pin;

Thence South 87 degrees 33' East, along a line parallel with the Southerly line of Lot No. 99, a distance of 55.0 feet;

Thence South 2 degrees 33' West, a distance of 155.0 feet to the place of beginning, be the same more or less, but subject to all legal highways.

PARCEL #2: (WXZ Retail Group/Grafton, LLC)
Parcel No. 110009900008

Situated in the Township of Eaton, County of Lorain and State of Ohio;
And known as being part of Original Eaton Township Lot No. 99, and bounded and described as follows:

Commencing at a point and iron pin set in the South line of said Original Eaton Township Lot No. 99 at the Southeasterly corner of land conveyed to Joseph Stanislawski, Jr. and Jennie Stanislawski by deed dated October 15, 1937 and recorded in Volume 288, Page 362 of Lorain County Deed Records;

Thence Easterly along the Southerly line of said Original Eaton Township Lot No. 99 a distance of 55 feet to a point; thence Northerly in a line parallel to the Easterly line of land so conveyed to Joseph Stanislawski, Jr. and Jennie Stanislawski, 155 feet to a point;

Thence Easterly in a line parallel with the Southerly line of said Original Eaton Township Lot No. 99 a distance of 55 feet to a point and the iron pin set;

Thence Southerly in a line parallel to the Easterly line of land so conveyed to Joseph Stanislawski, Jr. and Jennie Stanislawski to an iron pin set in the Southerly line of said Lot No. 99;

Thence Westerly in the Southerly line of said Original Eaton Township Lot No. 99, a distance of 55 feet to the place of beginning, be the same more or less, but subject to all legal highways.

PARCEL #3: (WXZ Retail Group/Grafton, LLC)
Parcel No. 1100099000010

Situated in the Township of Eaton, County of Lorain and State of Ohio:

And known as being part of Original Eaton Township Lot No. 99, bounded and described as follows:

Beginning in the center line of the Medina-Elyria Road at its point of intersection with the southerly line of said Original Lot No. 99;

Thence Northerly along the center line of said Media-Elyria Road a distance of 93.27 feet to a point;

Thence South 89 degrees 46' West a distance of 155.60 feet to an iron pin;

Thence South 2 degrees 33' West a distance of 85.75 feet to an iron pin on the Southerly line of said Lot No. 99;

Thence South 87 degrees 33' East along the Southerly line of said Lot No. 99 a distance of 163.30 feet to the place of beginning, be the same more or less, but subject to all legal highways.

PARCEL NO. 4

Parcel No. 11-00-100-101-017

Situated in the Village of Grafton, County of Lorain and State of Ohio: and known as being part of Original Eaton Township Lot No. 100 and bounded and described as follows:

Beginning at a point in the centerline of Elyria-Medina Road, at the Northeasterly corner of land conveyed to Miles Knechtges and Eleanor Knechtges by Deed dated October 21, 1945 and recorded in Deed Vol. 378, Page 171 of Lorain County Records;

Thence North 24 degrees 14 minutes West along the centerline of the Elyria-Medina Road, a distance of 490.33 feet to an angle in said Road;

Thence North 11 degrees 33 minutes West along the centerline of said Road, a distance of 326.08 feet to a point and the principal place of beginning. Said point being South 11 degrees 33 minutes East a distance of 704.72 feet as measured along the centerline of Elyria-Medina Road from its intersection with the centerline of Novak Road;

Thence South 77 degrees 14 minutes West a distance of 480.28 feet to an iron pin;

Thence South 6 degrees 51' West, a distance of 672.40 feet to an iron pin set in the Northeasterly Right-of-Way line of the Baltimore & Ohio Railroad;

Thence North 59 degrees 25 minutes East along the Northeasterly right-of-way of the Baltimore & Ohio Railroad to a point on the Westerly line of Original Eaton Township Lot No. 100;

Thence North 1 degree 04 minutes West along the Westerly line of said Original Lot No. 100 to a point in the Northwesterly corner of said Original Lot No. 100;

Thence North 83 degrees 32 minutes East along the Northerly line of said Original Lot No. 100 and being the centerline of a Township Road, 30 feet wide, established by decree of the Court of Common Pleas of Lorain County, Ohio, in Case No. 18963, a distance of 1862.55 feet to a point in the centerline of the Elyria-Medina Road;

Thence South 11 degrees 33 minutes East along the centerline of the Elyria-Medina Road, a distance of 704.72 feet to the principal place of beginning and containing within said bounds 38.75 acres of land.

PARCEL NO. 5

Parcel No. 11-00-100-101-013

Situated in the Village of Grafton, County of Lorain, State of Ohio:

And being known as part of Original Eaton Township Lot No. 100 and being further bound and described as follows:

Beginning at a point in the centerline intersection of Novak Road (60 feet), and Elyria-Medina Road (60 feet), said point also being known as the northerly line of Original Eaton Township Lot No. 100 and the principal place of beginning;

Thence South 11° 33' East, along the centerline of Elyria-Medina Road, a distance of 280.16 feet to a point;

Thence South 83° 32' West, a distance of 230.12 feet to a point;

Thence North 11° 33' West, and parallel to the centerline of Elyria-Medina Road, a distance of 280.16 feet to a point in the northerly line of Original Eaton Township Lot No. 100 and the centerline of Novak Road as aforesaid;

Thence North 83° 32' East, along said northerly line of Original Eaton Township Lot No. 100, a distance of 230.12 feet to the principal place of beginning containing within said bounds 1.4742 acres of land be the same more or less but subject to all legal highways.

be and the same are hereby vacated; and

PROVIDED FURTHER, the Vacation Parcel shall immediately revert to the abutting property owners of the above-described properties.

The Village of Grafton hereby reserves a utility easement ("Utility Easement") within the entire Vacation Parcel for the purpose of installing sanitary and/or storm sewer lines. The Utility Easement shall include the right to inspect, operate, replace, relocate, remove, repair, and permanently maintain underground within the Utility Easement all necessary fixtures and appurtenances used for or in connection with sanitary and/or storm sewer lines, and the right of reasonable ingress and egress upon, over and across the Vacation Parcel for access to and from the Utility Easement.

It is expressly agreed and understood that the Utility Easement is not to the exclusion of the respective owners of the Vacation Parcel or their respective successors or assigns. The owners of the Vacation Parcel reserve the right to use the Utility

assigns. The owners of the Vacation Parcel reserve the right to use the Utility Easement for any purposes not inconsistent with rights granted to the Village of Grafton hereunder, including, but not limited to installation of pavement, driveways, curbing, sidewalks, surface roads, utilities, landscaping and similar above-ground improvements across the Utility Easement, provided the owners' use does not impair the use of the storm sewer and/or sanitary line by the Village of Grafton.

No buildings or other structures shall be constructed in the Utility Easement by the owners of the Vacation Parcel, nor shall such owners cause any excavating or filling to be done which, in the reasonable judgment of the Village of Grafton, would impair its exercise of the rights granted by this Easement or its ability to maintain its underground storm sewer and/or sanitary facilities.

If any damage to the owners' Vacation Parcel is caused by the Village of Grafton's exercise of its rights under this Utility Easement, the Village of Grafton, at its sole expense, shall promptly restore any such damaged property to as nearly as possible to its condition existing prior to the occurrence of the damage, excluding any hard surfaces.

PASSED AND APPROVED by the Mayor and Village Council of the Village of Grafton, Ohio at a regular meeting thereof this 17th day of MAY, 2005.

1st Reading: April 19, 2005
2nd Reading: May 3, 2005
3rd Reading: May 17, 2005

VILLAGE OF GRAFTON, OHIO

May 17, 2005
Date Passed

Sharon M. Luff
President of Council

May 17, 2005
Date Approved

Shaul Szeppandu
Mayor

May 17, 2005
Date Attested

Thomas B. Bala
Clerk/Treasurer

APPROVED AS TO FORM:

Richard Lillie
Richard Lillie, Law Director, Village of Grafton



VILLAGE OF GRAFTON
960 Main Street
Grafton, Ohio 44044
(440) 926-2401
Fax (440) 926-9018

CLERK-TREASURER'S CERTIFICATION

I, LINDA S. BALES, CLERK OF COUNCIL, OF THE VILLAGE OF GRAFTON
DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF
ORDINANCE 05-010 AS PASSED BY THE COUNCIL OF THE VILLAGE OF
GRAFTON ON May 17, 2005.

DATE: April 13, 2006

Linda S. Bales
CLERK