

LORAIN COUNTY

Board Of Commissioners

Betty Blair

Ted Kalo

Lori Kokoski

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Acting Clerk Of Board
Theresa Upton
440-329-5103

Ombudsman
Larry Allen
440-329-5488

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440-284-4467

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440-329-5102

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440-988-7210

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440-329-5444

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440-329-5117

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440-329-4818

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Charles Mackin
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Yvonne Newton
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Workforce Development Director
William Ogle
440-284-1830

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John Rokasy
440-329-5525

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Telecommunications Director
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440-329-5786

Maintenance Supervisor
Ralph Smugala
440-329-5116

Community Development Director
Ronald F. Twining
440-328-2323

Records Center Supervisor
Lynn Wallace-Smith
440-328-4866

Lorain County Transit Acting Director
Thomas Ferguson
440-329-5545

June 27, 2005

Barbara Baker, Clerk
Elyria Township Trustees
41416 Griswold Road
Elyria, Ohio 44035

Dear Ms. Baker:

Enclosed is a copy of Resolution No. 05-538, adopted by the Lorain County Board of Commissioners on June 23, 2005 granting proposed Vacation of a 15' alley Grace Avenue to Olivet Avenue and between Rosewood and Elmwood Streets, Elyria Township, Lorain County, Ohio.

This is being forwarded for your information and files.

Yours truly,


Theresa L. Upton
Clerk

tlh
Enclosure

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

RESOLUTION NO. 05-538

In the matter of granting the Vacation of a 15' alley)
Grace Avenue to Olivet Avenue and between) June 23, 2005
Rosewood and Elmwood Street, Elyria Township,)
Lorain County, Ohio)

WHEREAS, after due and legal advertising and personal notice this is the day fixed for the public hearing on the Vacation of an existing 15' alley from Grace Avenue to Olivet Avenue and between Rosewood Street and Elmwood Streets, being part of Burrell & Day Tract, Lot #18, Elyria Township, Lorain County, Ohio; and

WHEREAS, Resolution No. 05-415 on May 19, 2005 accepted the petition for vacation, scheduled the view on June 8, 2005 at 10:00 a.m. and the public hearing for June 23, 2005 at 10:15 a.m.; and

WHEREAS, petition was forwarded to the County Engineer for review, and by letter dated April 22, 2005 the Engineer found a few corrections in the legal description and provided a corrected copy; and

WHEREAS, notices were forwarded to the following Utility Companies; Alltel Ohio, Inc., Ohio Edison, Columbia Gas of Ohio, Ohio Department of Natural Resources and the following had responses:

Alltel Communications said they have telecommunication facilities within the area and they will need to continue ongoing rights to maintain, operate and upgrade its facilities, as required to serve area customers.

Ohio Edison said there is an existing overhead distribution line in this section of the alley-way and they need a permanent easement per ORC 723.041 to have reasonable ingress and egress access upon, over and across said right of way to maintain lines, and remove or trim trees, limbs and underbrush that may interfere with the safe operation of these lines.

And;

WHEREAS, notice of this public hearing was published in the Chronicle Telegram on May 24 and 31, 2005 and notices were also forwarded to 14 property owners and the Clerk of Elyria 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 if there were any comments from the Engineer's Office.

Mr. Wayne Mileti said Commissioner Blair and himself went to the viewing on June 8 at 10 am and there are utility easements that need to be maintained; and

WHEREAS, Commissioner Blair asked if there were any comments from the Township Trustees; there was no one present; and

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

WHEREAS, Commissioner Blair asked for anyone in favor to this vacation to state their comments. No one responded.

NOW, THEREFORE BE IT RESOLVED, that Commissioner Blair moved to grant the proposed vacation of Vacation of an existing 15' alley from Grace Avenue to Olivet Avenue and between Rosewood Street and Elmwood Streets, being part of Burrell & Day Tract, Lot #18, Elyria Township, Lorain County, Ohio; and said approval is determined to be for the benefit of the public convenience and welfare. Commissioner Kokoski seconded the motion.

Said Vacation is granted as follows:

WHEREAS, the Lorain County Engineer by letter dated April 22, 2005 indicated there were a few corrections in the legal description and provided a corrected legal herewith; and

WHEREAS, said Petitions read as follows:

We the undersigned residents of the Township of Elyria, County of Lorain, State of Ohio, do hereby petition to vacate the alley way between Rosewood Street and Elmwood Street as recorded in the Lorain County Recorder's record of plat Volume 10 Page 8.

Beginning at the back of Sublot 423, 113.91' North of Rosewood Street and the back of Sublot 424, 113.24' North of Rosewood Street. And any other sublots east of them.

We, the undersigned residents, do hereby agree to this petition.

1. Andy Kaczay, 41484 Rosewood, Elyria
2. Kellie Towner, 41470 Rosewood, Elyria, Ohio
3. Walter Slanczka, 41416 Rosewood Street
4. Melba Asberry, 41402 Rosewood Street
5. Linda Canterbury Bicsak, 41455 Elmwood St., Elyria, Ohio 44035
6. Frank J. Bicsak, 41455 Elmwood St., Elyria, Ohio 44035
7. Leona L. Eaton, 41494 Rosewood, Elyria 44035
8. Kenneth L. Eaton, 41494 Rosewood, Elyria 44035
9. Zulma Moore, 41542 Rosewood St., Elyria, 44035
10. Danielle Moore, 41542 Rosewood St., Elyria, 44035
11. Russell Lampe, 41489 Rosewood St., Elyria, 44035
12. Athena L. Eaton, 41494 Rosewood St., Elyria, 44035
13. John Ferguson, 41494 Rosewood St., Elyria, 44035
14. Ryan Eaton, 41494 Rosewood St., Elyria, 44035

Said Legal Description is as follows:

Alley to be vacated is recorded in the Clearview Subdivision, Volume 10 Page 18 of Lorain County Records and located in the Burrell & Day Tract, Lot #18, Elyria Township, further described as:

Starting at the northwest corner of Sublot #423 of the Clearview Subdivision, which is also the southeast corner of the intersection of Grace Avenue and the 15' alley to be vacated;

Thence, easterly along the south right-of-way line of said 15' alley to the northeast corner of Sublot #446 of the before mentioned subdivision, which is also the southwest corner of the intersection of Olivet Avenue and the 15' alley to be vacated;

Thence, northerly along the extended west right-of-way line of Olivet Avenue 15' to the southeast corner of Sublot #299 of the before mentioned subdivision, which is also the northwest corner of the intersection of Olivet Avenue and the 15' alley to be vacated;

Thence, westerly along the north right-of-way line of 15' alley to be vacated to the southwest corner of Sublot #322, which is also, the northeast corner of the intersection of Grace Avenue and the 15' alley to be vacated;

Thence, southerly along the extended east right-of-way line of Grace Avenue 15' to the northwest corner of Sublot #423, which is the principal place of beginning.

And;

FURTHER BE IT RESOLVED, said Vacation existing 15' alley from Grace Avenue to Olivet Avenue and between Rosewood Street and Elmwood Streets, being part of Burrell & Day Tract, Lot #18, Elyria Township, 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.

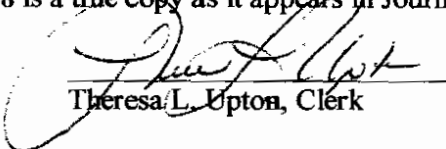
FURTHER BE IT RESOLVED, that a copy of this resolution be forwarded to the County Recorder, Auditor, Engineer, Tax Map and Elyria Township Trustees for recording and filing.

Ayes: All.

Motion carried.

_____ (discussion was held on the above)

I, Theresa L. Upton, Clerk to the Lorain County Board of Commissioners do hereby certify that the above Resolution No. 05-538 is a true copy as it appears in Journal No. 05 on date of June 23, 2005.


Theresa L. Upton, Clerk

