

Revised 9-4
9-3-85

City of Lorain, Ohio

ORDINANCE No. 121-85

By Mr. *[Signature]*

AN ORDINANCE VACATING SHELLY DRIVE,
AND PORTIONS OF WESTMINSTER DRIVE,
TEMPLE AVENUE AND WEST 42ND STREET,
IN THE CITY OF LORAIN, STATE OF
OHIO.

First Reading _____

Referred to Committee on _____

Approved _____

Committee

Second Reading _____

Passed _____

Remarks _____

Approved as to Form Only

[Signature]
Solicitor

ORDINANCE NO. 12185

AN ORDINANCE VACATING SHELLY DRIVE, AND PORTIONS OF WESTMINSTER DRIVE, TEMPLE AVENUE AND WEST 42ND STREET, IN THE CITY OF LORAIN, STATE OF OHIO.

WHEREAS, a petition signed by 100% of the owners of property abutting the following streets:

Shelly Drive, from the centerline of Westminster Drive westerly 300.03 feet to the centerline of Temple Avenue; Westminster Drive, from the centerline of Shelly Drive northerly 167.05 feet to the southline of Westminster Subdivision No. 1; Temple Avenue, from the centerline of Shelly Drive northerly 542.48 feet to the southline of Block "A", Westminster Subdivision No. 1; and West 42nd Street, from the centerline of Temple Avenue easterly 203.71 feet to the westline of Sublot 42, Westminster Subdivision No. 1, said streets as shown on the Westminster Subdivision Street Dedication Plat, recorded in Plat Volume 28, Page 5 of the Lorain County Records;

was duly presented to Council praying that the said streets and portions thereof be vacated; and

WHEREAS, under the provisions of Section 723.06 Ohio Revised Code, notice of the pendency and prayer of said petition is not required.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO:

SECTION I. That:

Shelly Drive, from the centerline of Westminster Drive westerly 300.03 feet to the centerline of Temple Avenue; Westminster Drive, from the centerline of Shelly Drive northerly 167.05 feet to the southline of Westminster Subdivision No. 1; Temple Avenue, from the centerline of Shelly Drive northerly 542.48 feet to the southline of Block "A", Westminster Subdivision No. 1; and West 42nd Street, from the centerline of Temple Avenue easterly 203.71 feet to the westline of Sublot 42, Westminster Subdivision No. 1, said streets as shown on the Westminster Subdivision Street Dedication Plat, recorded in Plat Volume 28, Page 5 of the Lorain County Records;

be the same is hereby vacated, subject, however, that the City of Lorain, Ohio reserves to itself and others, easement rights to construct or maintain sanitary sewer conduits, storm sewer conduits, water conduits, gas conduits, electric conduits, fire alarm system conduits, telephone and electric pole transmission lines and other similar facilities under, or above said streets whenever deemed necessary.

SECTION II. That it is agreed that each one-half of the street will revert to the respective abutting owners on each side of said street.

SECTION III. That it is found and determined that all formal action of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22, Ohio Revised Code.

SECTION IV. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 3 September, 1985

ATTEST: Helene K. Kubiak CLERK

APPROVED: 4 September, 1985

Edmond J. Skimin

PRESIDENT OF COUNCIL

Alexander Oleyko
MAYOR

PETITION TO VACATE

SHELLY DRIVE, WESTMINSTER DRIVE TO TEMPLE AVENUE;
 WESTMINSTER DRIVE, SHELLY DRIVE NORTHERLY TO THE SOUTH
 LINE OF WESTMINSTER SUBDIVISION NO. 1; TEMPLE AVENUE,
 SHELLY DRIVE NORTHERLY TO THE SOUTH LINE OF BLOCK 'A',
 WESTMINSTER SUBDIVISION NO. 1 AND WEST 42ND STREET,
 TEMPLE AVENUE EASTERLY TO THE WEST LINE OF SUBLOT 42,
 WESTMINSTER SUBDIVISION NO. 1.

TO THE HONORABLE COUNCIL
 City of Lorain, Ohio

Gentlemen:

We, the undersigned property owners whose properties abut on the following streets: Shelly Drive, from the centerline of Westminster Drive westerly 300.03 feet to the centerline of Temple Avenue; Westminster Drive, from the centerline of Shelly Drive northerly 167.05 feet to the southline of Westminster Subdivision No. 1; Temple Avenue, from the centerline of Shelly Drive northerly 542.48 feet to the southline of Block 'A', Westminster Subdivision NO. 1; and West 42nd Street, from the centerline of Temple Avenue easterly 203.71 feet to the westline of Sublot 42, Westminster Subdivision No. 1, said streets as shown on the Westminster Subdivision Street Dedication Plat, recorded in Plat Volume 28, Page 5 of the Lorain County Records, do hereby respectfully petition your Honorable Body to declare said streets vacated with reservations as stated below, as they are no longer needed for the purposes of public streets.

It is understood and agreed by the undersigned parties that if the above petition is granted, and the Streets declared vacated, that the City of Lorain, Ohio reserves to itself and others, easement rights to construct or maintain sanitary sewer conduits, storm sewer conduits, water conduits, gas conduits, electric conduits, fire alarm system conduits, telephone and electric pole transmission lines and other similar facilities under, or above said Streets whenever deemed necessary. It is also agreed that each one half of the Streets, will revert to the respective abutting owners on each side of said Streets.

NOTE: The signature of only one of the legal owners to the permanent parcel of land is required to qualify the parcel for this petition. All of the legal owners should sign whenever possible; however, each must sign individually and on separate lines. The signature of Mr. and Mrs. J. Doe or John and Mary Doe etc. are not acceptable. Property under transfer or land contract should be signed by both the Seller (Grantor) and Purchaser (Grantee). All signatures should be in ink. Opposite the signature designate the lot number and street frontage.

ENGINEER'S CERTIFICATION

The signed frontage on this petition represents 100 percent of the frontage between the points named.


 City Engineer

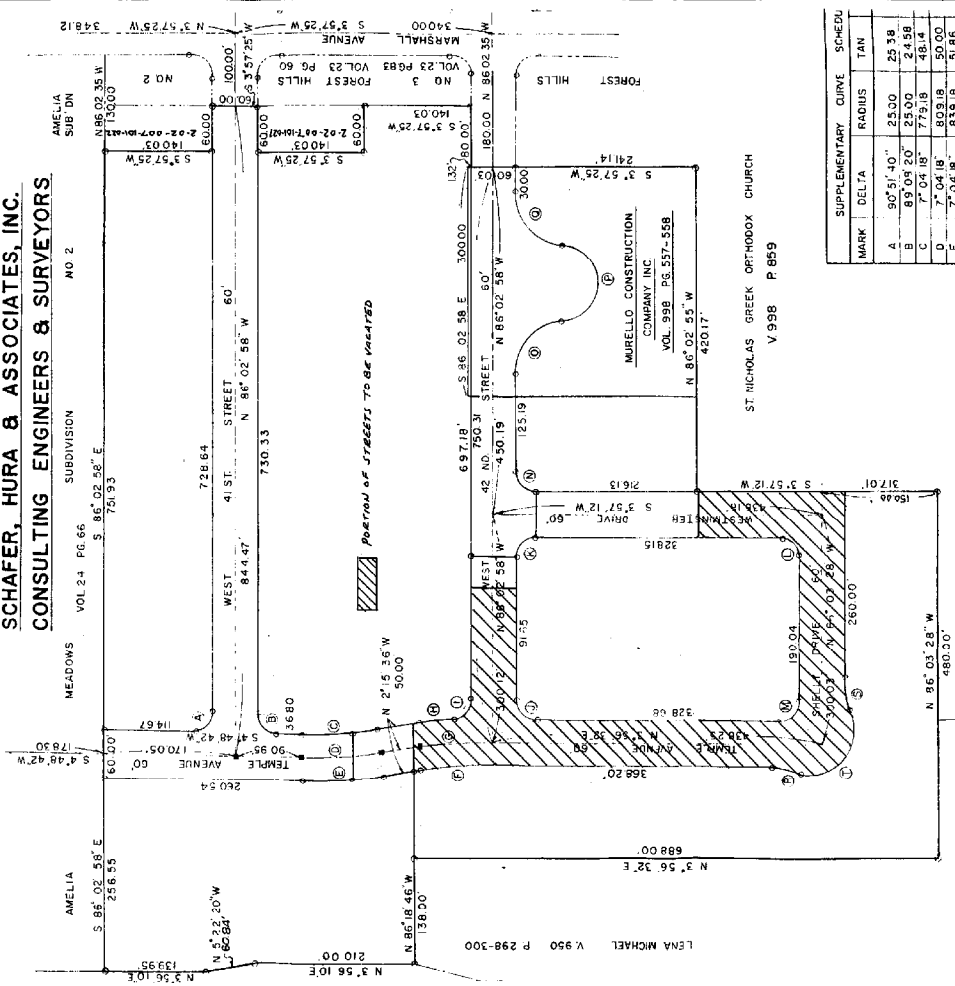
To Council July 11 1985
 Date

cc: Service Director
 FN. 292.A
 FN 677
 FN 799.0

WESTMINSTER SUBDIVISION

STREET DEDICATION PLAT
 PART OF ORIGINAL LOT NO. 7
 TRACT NO. 2, BLACK RIVER TOWNSHIP
 CITY OF LORAIN LORAIN CO. OHIO
 DATE: JUNE 1972 SCALE: 1" = 100'

BY
 SCHAFFER, HURA & ASSOCIATES, INC.
 CONSULTING ENGINEERS & SURVEYORS



| MARK | DELTA | RADIUS | SCHEDULE |
|------|-------------|--------|----------|
| A | 90° 51' 40" | 25.00 | 25.38 |
| B | 89° 04' 20" | 25.00 | 24.58 |
| C | 7° 04' 18" | 77.918 | 48.14 |
| D | 7° 04' 18" | 809.18 | 50.00 |
| E | 7° 04' 18" | 839.18 | 51.86 |
| F | 6° 12' 08" | 892.90 | 48.37 |
| G | 6° 12' 08" | 922.30 | 50.00 |
| H | 2° 59' 43" | 952.90 | 24.77 |
| I | 64° 44' 24" | 248.84 | 24.47 |
| J | 90° 00' 10" | 25.00 | 25.00 |

WM. A. & OLGA M. MIHALIC
 2-2-007-01-033