

NO TRANSFER NECESSARY
MARK R. STEWART
LORAIN COUNTY AUDITOR

McCallahan 9/15/04
DEPUTY

ORDINANCE NO. 2004- 135

Sponsored by:
Community Development

- C. Gersak
- F. Bullocks
- W. Ogle
- G. Gibbs

AN ORDINANCE VACATING A PORTION OF WESTIN WAY LOCATED WITHIN THE CITY OF ELYRIA, AND DECLARING AN EMERGENCY.

WHEREAS, this Council is satisfied that good cause has been shown for the vacation of a portion of Westin Way, which is located in the City of Elyria and that the vacation will not be detrimental to the general interest of the City of Elyria and needs to be made.

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

SECTION 1: That a portion of Westin Way, located in the City of Elyria, Lorain County, Ohio, and described in Exhibit "A" attached hereto and made a part hereof is hereby vacated.

SECTION 2: That the portion of Westin Way hereby vacated described in Exhibit "A" (**Vacated Real Property**) shall revert to Chestnut Plaza Ltd., an Ohio Limited Liability Company and the City of Elyria, Ohio, the abutting property owners, subject to the reservation of an Easement to the City of Elyria (**Elyria**) over the said **Vacated Real Property**: (1) for ingress and egress to real property owned by **Elyria** for a water tower which real property is described in Exhibit "B" attached hereto and made a part hereof; (2) for ingress and egress to real property owned by Chestnut Plaza Ltd., and known as Chestnut Commons Development, detailed in Exhibit "C" attached hereto and made a part hereof, and to that portion of Westin Way not vacated hereby; (3) for any utilities including, but not limited to sanitary and storm sewers, water mains, electrical, telephone and gas lines presently located or installed or to be located or installed or maintained on and in said **Vacated Real Property** by **Elyria** or any other utility provider and the continuing right of **Elyria** and any other utility provider to maintain said utilities and to enter upon said **Vacated Real Property** whenever reasonably necessary for the purposes of installing, inspecting, altering,

CERTIFICATION

I HEREBY CERTIFY THAT THIS IS AN EXACT AND TRUE COPY OF Ordinance No 2004-135


9-16-04 DATE
Arthur J. Weber
ARTHUR J. WEBER, CLERK OF COUNCIL
CITY OF ELYRIA, OHIO


replacing, repairing, operating, relocating, removing and maintaining said utilities and appurtenances thereto. In the event Elyria exercises its rights under this Section 2, Elyria will be responsible only for the cost to restore the easement area to its prior grade. Property owner(s) shall be responsible for the cost of restoring any damaged or removed driveway or walkway or roadway surfaces or structures or any other improvements installed or located within said **Vacated Real Property** and easement area.

SECTION 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in meetings open to the public, in compliance with Ohio law.

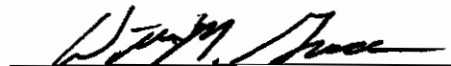
SECTION 4: That Ordinance be and hereby is declared to be an emergency, the emergency being the need to approve the vacation so that the City of Elyria can go forth with the construction of Chestnut Commons Drive within the Northern Ohio 2004 construction season, and for the immediate preservation of the public peace, health, safety or welfare of the people of the City of Elyria; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval.

PASSED: 9/7/04


E. Kenneth Burkhard, President

ATTEST: 
Arthur J. Weber, Clerk

APPROVED: 9/7/04


William M. Grace, Mayor

DATE: 9-8-04

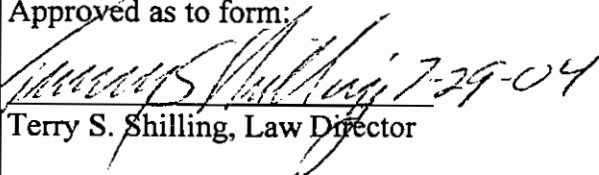
Approved as to form:

Terry S. Shilling, Law Director



EXHIBIT "A"

SURVEY GROUP

Vacation DescriptionWestin WayJune 23, 2004

Situated in the City of Elyria, County of Lorain, State of Ohio and being a part of Eaton Township Original Lot 91, also being a part of Westin Way as shown on the recorded plat of Chestnut Ridge Residential Development No. 1 recorded in P.V. 62, Pages 36-38 of the Lorain County Plat Records and being more definitely described as follows;

Beginning at the northwesterly corner of Block "B" as shown on the record plat of Chestnut Ridge Residential Development No. 1 as recorded in P.V. 62, Pages 36-38 of the Lorain County Plat Records;

Thence South 89° 28' 52" West along the southerly right of way of Westin Way, 735.42 feet to a point;

Thence leaving said right of way and along the easterly line of vacated Westin Way by Ordinance No. 2003-50, North 00° 31' 08" West, 60.00 feet to a point on the northerly right of way of Westin Way;

Thence North 89° 28' 52" East along said right of way, 735.04 feet to a point;

Thence leaving said right of way, South 00° 53' 08" East along the northerly extension of said Block "B", 60.00 feet to the point of beginning.

Containing within said bounds 1.0127 acres of land.

R:\04000\04114\WORD\Descriptions\Vacation Description.doc

260 Burns Road, Suite 100 • Elyria, Ohio 44035 • Phone (440) 365-4730

Email: mailroom@ksassoc.com • Web: www.ksassoc.com • Fax (440) 365-4790

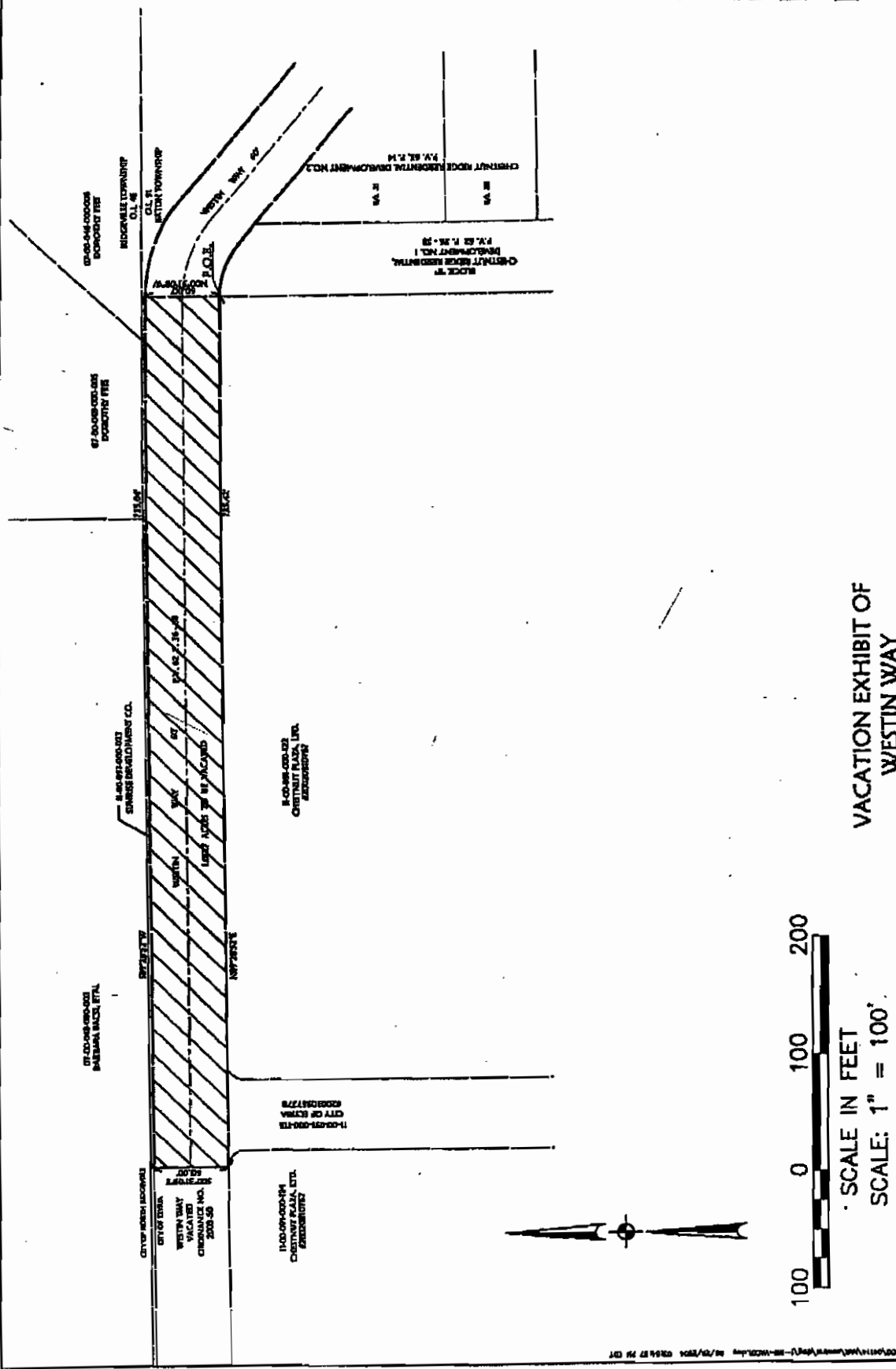
KS ASSOCIATES
 260 Burns Rd., Suite 100
 Elvin, Ohio 44035
 Phone (440) 365-4730
 Fax (440) 365-4790
 mailroom@ksassoc.com
 www.ksassoc.com



JUNE 23, 2004

KS JOB NO. 04114

SCALE 1"=100'



SCALE IN FEET
 SCALE: 1" = 100'



R:\projects\110000\110000.dwg 12/28/2004 10:54:27 PM CRT

EXHIBIT "B"

Parcel 3-B 0.6192 Acres
August 16, 2002
Page 1 of 2

Situated in the City of Elyria, County of Lorain, State of Ohio and known as being a part of Original Eaton Township Lot No. 91, part of Original Carlisle Township Lot No. 5; and part of Original Elyria Township Lot No. 1 East of the River Tract. Also being part of the land conveyed to Chestnut Plaza, Inc. as recorded in Instrument No. 20020810767 of the Lorain County Land Records, being more definitely described as follows;

Commencing at a 1" iron pin in a monument box found at the intersection of the centerline of Chestnut Ridge Road and the centerline of State Route 57;

Thence, along the centerline of Chestnut Ridge Road, North 78° 12' 59" East, 798.94 feet;

Thence, leaving said centerline, North 00° 53' 08" West, 2874.01 feet to an iron pin set in the northerly right of way of Westin Way as recorded in Chestnut Ridge Residential Development No.1, Plat Volume 62, Page 36 of the Lorain County Land Records and the True Point of Beginning for the parcel herein described;

Thence, along the northerly right of way of Westin Way, South 89° 28' 52" West, 1071.51 feet to an iron pin set;

Thence, continuing along the northerly right of way of Westin Way, along the arc of a curve which deflects to the right, 2.61 feet to an iron pin set, said curve having a radius of 70.00 feet, a central angle of 2° 08' 20", and a chord of 2.61 feet which bears North 89° 26' 58" West;

Thence, leaving the northerly right of way of Westin Way, North 00° 26' 02" East, 420.62 feet to an iron pin set;

Thence North 89° 59' 57" West, 147.00 feet to an iron pin set;

Thence North 00° 26' 02" East, 150.00 feet to an iron pin set;

Thence South 89° 59' 57" East, 150.00 feet to the easterly line of Original Elyria Township Lot No. 1, said point is referenced by a stone monument found 1.10 feet North and 1.40 feet West;

Thence, along the easterly line of Original Elyria Township Lot No. 1, South 00° 26' 02" West, 567.65 feet to a stone monument found at the southeasterly corner thereof;

APPROVED BY PLANNING COMMISSION
CITY OF ELYRIA, OH.
NO PLAT REQUIRED
DATE
Herald L. Klein 12-2-02

EXHIBIT A

874537

Parcel 3-B 0.6192 Acres
August 16, 2002
Page 2 of 2

Thence, along the northerly line of Original Eaton Township Lot No. 91, North 89° 28' 52" East, 1071.06 feet to an iron pin set;

Thence, leaving the northerly line of Original Eaton Township Lot No. 91, South 00° 53' 08" East, 3.00 feet to the point of beginning.

Containing within said bounds 0.6192 acres of land of which 0.0738 acres lie in Original Eaton Township Lot No. 91, 0.0002 acres lie in Original Carlisle Township Lot No. 5, and 0.5452 acres lie in Original Elyria Township Lot No. 1 East of the River Tract.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

Bearings are based on Ohio State Plane, North Zone "Grid North" NAD83(1995).

LORAIN COUNTY
P.P. No. 06-0025-001-000-199

LORAIN COUNTY
P.P. No. 10-00-005-102-464

P.P. No. 11-00-091-000-023
STR. TRANS.

MARY ANN JAMISON
LORAIN COUNTY
RECORDER

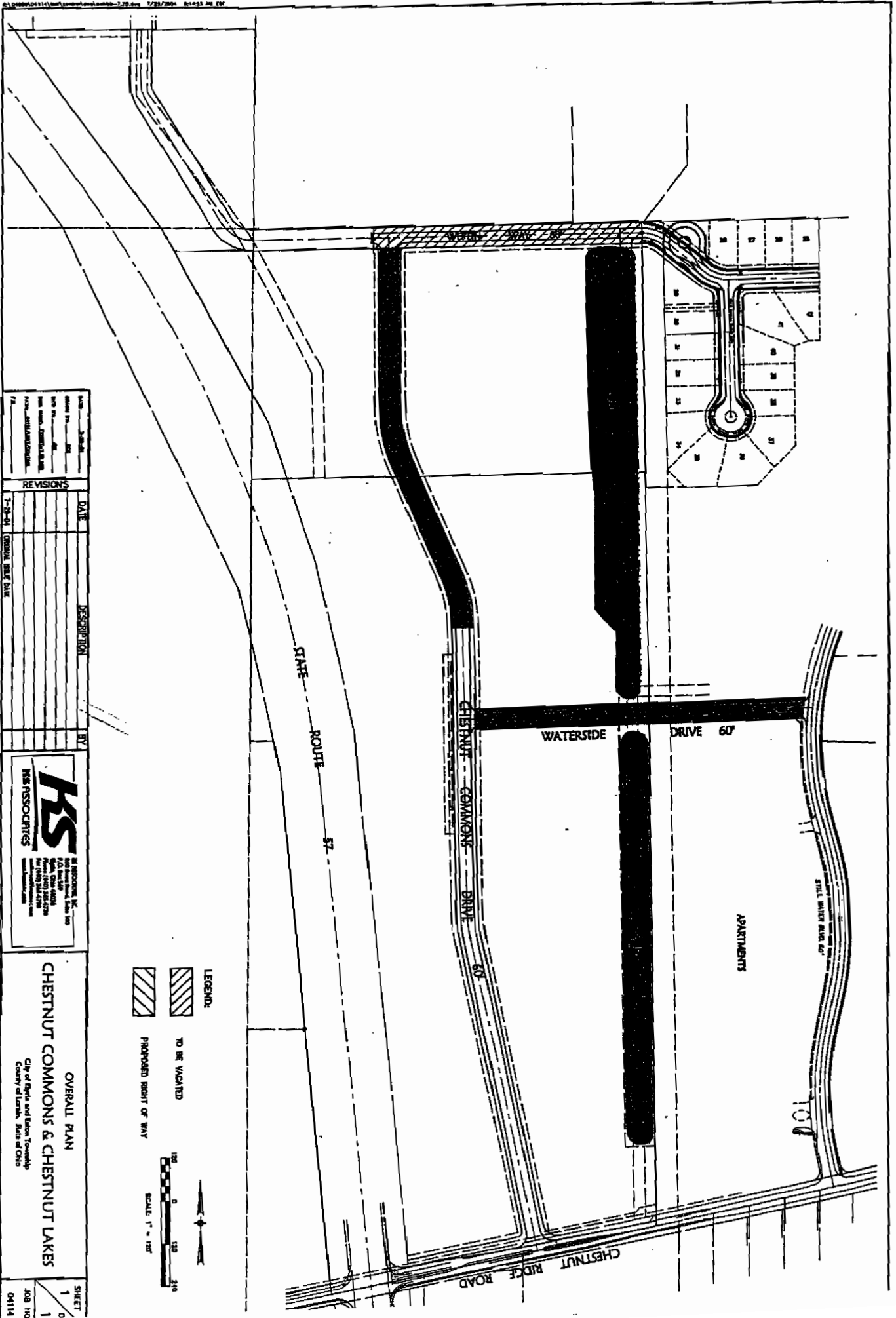
2002 DEC -5 P 3:14

RECEIVED FOR RECORD

26.00
Jm

R:\01000\01137\word\Parcel-5.dcc

Exhibit "C"



NO.	DATE	DESCRIPTION	BY
1	7-28-11	ORIGINAL PERMIT DRAW	

HSS
 HSS INDEPENDENT INC.
 100 S. MAIN ST. SUITE 100
 COLUMBUS, OHIO 43260
 (614) 263-8200
 www.hssinc.com

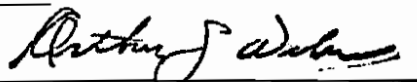
CHESTNUT COMMONS & CHESTNUT LAKES
 OVERALL PLAN
 City of Delta and Eaton Township
 County of Licking, State of Ohio

SHEET
 1 1
 0 0
 JOB NO. 04114

CERTIFICATE OF PUBLICATION

I, THE UNDERSIGNED CLERK OF COUNCIL OF THE CITY OF ELYRIA, OHIO, HEREBY CERTIFY THAT THE FULL TEXT OF THE FOREGOING ORDINANCE NO. 2004-135 WAS POSTED IN THREE PLACES WITHIN THE CITY AS DETERMINED BY COUNCIL, AND THAT SUCH PLACES WERE AS FOLLOWS: CITY HALL, CENTRAL FIRE STATION AND THE POLICE STATION.

DATED: 9/8/04



CLERK OF COUNCIL
CITY OF ELYRIA, OHIO

Date presented to the Mayor: 9/8/04