

COPY

066853#2196

Sponsored by: ORDINANCE NO. 2005-44

COMMUNITY DEVELOPMENT COMMITTEE MEMBERS: W. Ogle F. Bullocks AN ORDINANCE PURSUANT TO CHAPTER 913, CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO. VACATING A PORTION OF TEMPLE STREET LOCATED BETWEEN EAST AVENUE AND MIDDLE AVENUE IN THE CITY OF ELYRIA, OHIO.

WHEREAS, Temple Street, located between Middle Avenue and East Avenue in the City of Elyria, Ohio, is a dedicated street; and

WHEREAS, the Lorain County Printing & Publishing Company is the owner of a lot or property in the City of Elyria in the immediate vicinity of Temple Street; and

WHEREAS, the Lorain County Printing & Publishing Company has requested that a portion of Temple Street, bounded and described as follows, be vacated pursuant to Chapter 913, Codified Ordinances of the City of Elyria, Ohio; and

WHEREAS, in the opinion of the Council, it would be conducive to the public welfare and safety, there is good cause for such vacation, and it will not be detrimental to the general interest and to the community to have said street vacated.

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

STATE OF OHIO: SECTION 1: That a portion of that dedicated street known as Temple Street, located in the City of Elyria, State of Ohio, and described below, be and the same is hereby vacated:

Situated in the City of Elyria, County of Lorain and State of Ohio. Being known as part of Original Elyria Township Lots Nos. 54 and 60, Between The Branches of the Black River; said parcel being more definitely described as follows:

Beginning in the westerly sideline of East Avenue, 66 feet wide at the northeasterly corner of Sublot No. 278 in Heman Ely's Original Plat of Elyria, as recorded in Volume 3, Page 14 of Lorain County Plat Records; said point being 198 feet distant southerly from the intersection of the westerly sideline of East Avenue and the southerly sideline of Second Street;

- 3-20-1880

Thence westerly in the northerly line of Sublots Nos. 278, 277, 276 and 275 in the above referenced plat, a distance of about 274 feet to a point in the line between land now or formerly owned by The Lorain County Board of Commissioners (being Lorain County Parcel No. 06-26-054-000-012) on the west and land now or formerly owned by The Lorain County Printing and Publishing Company (being Lorain County Parcel No. 06-26-054-000-013) on the east;

Thence northerly in a line parallel with the westerly sideline of East Avenue, a distance of 33 feet to a point in the southerly line of Sublot No. 244 in the above referenced plat;

Thence easterly in the southerly line of Sublots Nos. 244, 243, 242 and 240 in the above referenced plat, a distance of about 274 feet to the southeasterly corner of Sublot No. 240;

Thence southerly, a distance of 33 feet to the place of beginning;

Enclosing a parcel containing about 0.21 acre of land but subject to all legal highways.

SECTION 2: That, notwithstanding this Ordinance the vacated portion of Temple Street shall be subject to the following terms and conditions:

- (A) The City of Elyria reserving unto itself an easement for sanitary and storm sewer and other utilities purposes upon, over and in said vacated portion of Temple Street;
(B) The right of the City of Elyria to continue to maintain any existing sanitary, storm sewer and other utilities in and over said vacated portion of Temple Street;
(C) The continuing right of the City of Elyria to repair, replace, relocate, restore and maintain existing sanitary and storm sewer and other utilities and to enter upon the vacated portion of Temple Street whenever the City of Elyria determines it is necessary for the purposes of installing, constructing, inspecting, altering, replacing, repairing, patrolling and maintaining such storm and sanitary sewers, and utilities;
(D) The reservation of any rights of any other utilities, public or private, existing upon, over and in said vacated portion of Temple Street.

SECTION 3: That the portion of Temple Street hereby vacated, as detailed and described above, shall revert entirely to the abutting property owners.

SECTION 4: That upon taking effect of this Ordinance, the Clerk of Council shall cause the plat or map attached hereto as Exhibit A to be transferred in the office of the County Auditor and

recorded in the office of the County Recorder in the same manner as plats originally transferred and recorded.

SECTION 5: This Council finds and determines 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 6: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 4/4/05 E. Kenneth Burkhard, President

ATTEST: Arthur J. Weber, Clerk APPROVED: 4/4/05

William M. Grace, Mayor Dated: 4-5-05

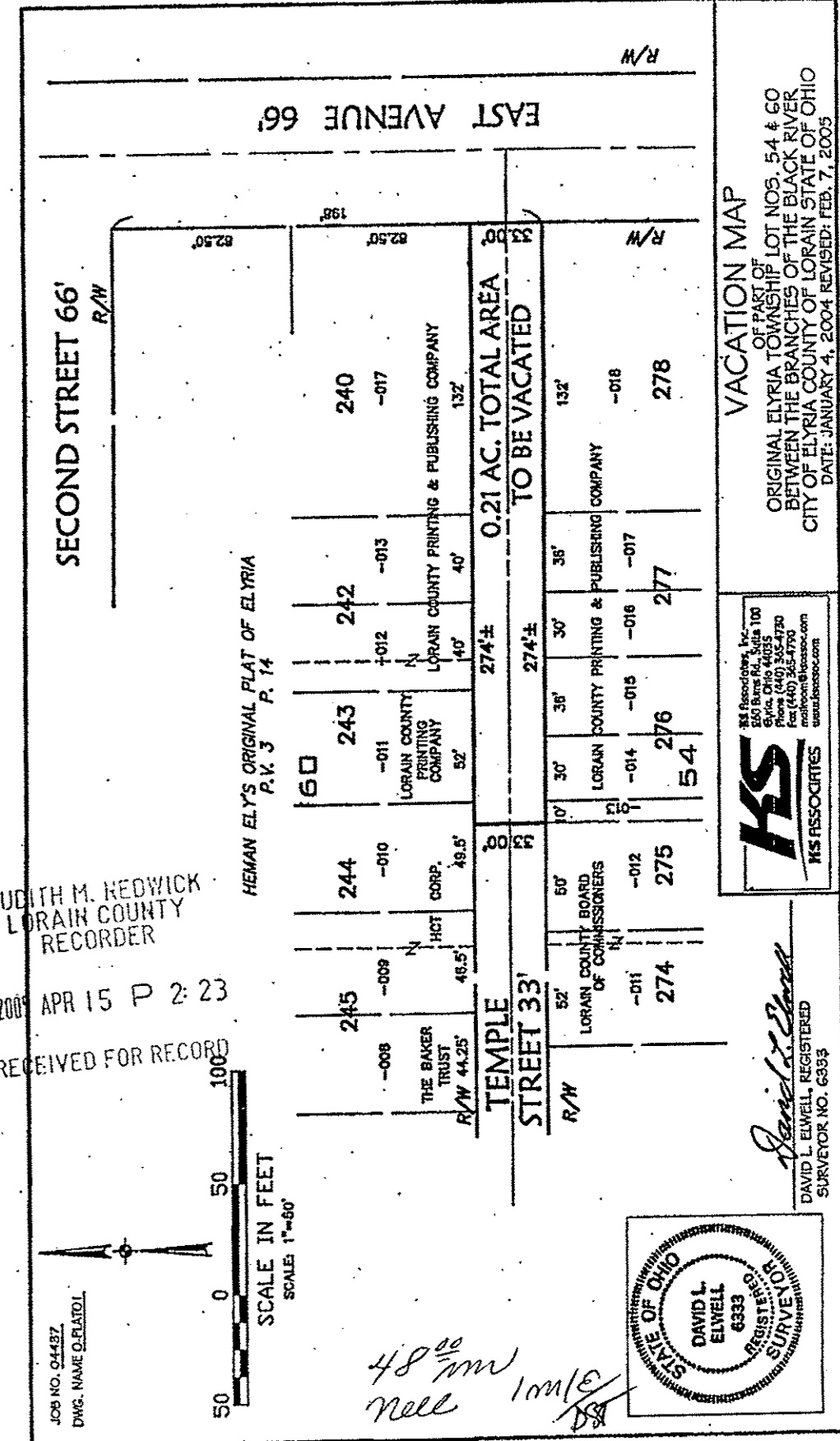
Approved as to form Terry S. Shifling, Law Director NO TRANSFER NECESSARY MARK R. STEWART LORAIN COUNTY AUDITOR

Date Presented to Mayor: 4/5/05

CERTIFICATE OF PUBLICATION

I, THE UNDERSIGNED, CLERK OF COUNCIL OF THE CITY OF ELYRIA, OHIO, HEREBY CERTIFY THAT THE FULL TEXT OF THIS FOREGOING ORDINANCE NO. 2005-44 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: 4/5/05 Arthur J. Weber, Clerk of Council City of Elyria, Ohio



HEREBY CERTIFY THAT THIS IS AN EXACT AND TRUE COPY OF Ordinance 402005-44

ARTHUR J. WEBER, CLERK OF COUNCIL CITY OF ELYRIA, OHIO