

NO TRANSFER NECESSARY
MARK R. STEWART
LORAIN COUNTY AUDITOR

Sponsored by:

- Community Development:
- F. Bullocks
- B. Ivancic
- T. Callahan
- V. Stewart
- G. Gibbs

7/17/06 Jmn
DEPUTY

ORDINANCE NO. 2006-82

AN ORDINANCE VACATING A PART OF WINCKLES STREET FROM THE INTERSECTION OF WINCKLES STREET AT TAYLOR STREET TO THE RAILROAD TRACKS WITHIN THE CITY OF ELYRIA.

WHEREAS, this Council is satisfied that good cause has been shown for the vacation of a part of Winckles Street, approximately .06 of an acre located at the intersection of Winckles Street at Taylor Street to the railroad tracks, as detailed and described in Exhibit "A", and that the vacation will not be detrimental to the general interest of the City of Elyria.

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

SECTION 1: That the part of Winckles Street, approximately .06 of an acre located at the intersection of Winckles Street at Taylor Street to the railroad tracks, as detailed and described in Exhibit "A" attached hereto and made a part hereof, is hereby vacated.

SECTION 2: That notwithstanding this Ordinance the part of Winckles Street vacated hereby as described in Exhibit "A" (**VACATED REAL PROPERTY**) shall be subject to the following terms and conditions:

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- a) The reservation of an easement to the City of Elyria (**ELYRIA**) upon, over and in the **VACATED REAL PROPERTY** for sanitary and storm sewers, water mains, and any other utilities purposes upon, over and in the **VACATED REAL PROPERTY**;
- b) The right of **ELYRIA** to continue to maintain and operate any and all existing sanitary and storms sewers, water mains, and any other utilities (**FACILITIES**) upon, over and in the **VACATED REAL PROPERTY**;
- c) The continuing right of **ELYRIA** to install, inspect, alter, repair, replace, relocate, operate, remove, restore and maintain said **FACILITIES** or any additional utility upon, over and in the **VACATED REAL PROPERTY** and to enter upon said **VACATED REAL PROPERTY** whenever **ELYRIA** determines that it is necessary for the purposes of installing, inspecting, altering, repairing, replacing, relocating, operating, removing, restoring and maintaining said **FACILITIES** or any other utility purpose;

CERTIFICATION

I HEREBY CERTIFY THAT THIS IS AN EXACT AND TRUE COPY OF Ord 2006-82

Arthur J. Weber 07-17-06
ARTHUR J. WEBER, CLERK OF COUNCIL DATE
CITY OF ELYRIA, OHIO

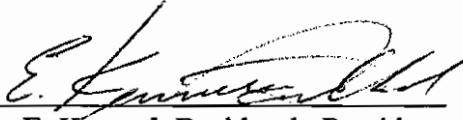
d) No person shall restrict nor impede Elyria's right of access or any other right as provided in Section 2 hereof upon, over, in and to the **VACATED REAL PROPERTY**;

e) That the construction or installation of any structures or any improvements or any variations in the site conditions upon, in and over said **VACATED REAL PROPERTY** by any person, except **ELYRIA**, is prohibited.

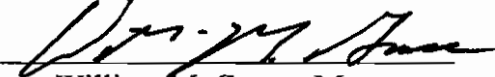
SECTION 3: That the part of Winckles Street hereby vacated, as detailed and described in Exhibit "A", shall revert entirely to the abutting property owners.

SECTION 4: 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 5: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 7/10/06 
E. Kenneth Burkhard, President

ATTEST:  APPROVED: 7/10/06
Arthur J. Weber, Clerk


William M. Grace, Mayor

DATE: 7-11-06

Approved as to form:

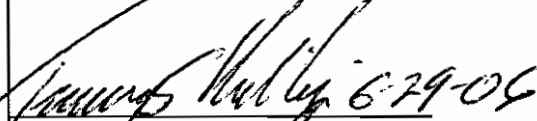

Terry S. Shilling, Law Director

EXHIBIT 'A'
VACATION OF PORTION OF WINCKLES STREET

BEGINNING AT THE SOUTHWEST CORNER OF SUBLOT #46 WHICH IS ALSO NORTH-EAST CORNER OF INTERSECTION OF TAYLOR STREET AND WINCKLES STREET.

THENCE NORTHERLY A DISTANCE OF 73.49 FT. TO A POINT, IN WESTERLY LINE OF SUBLOT #46 AND 45.

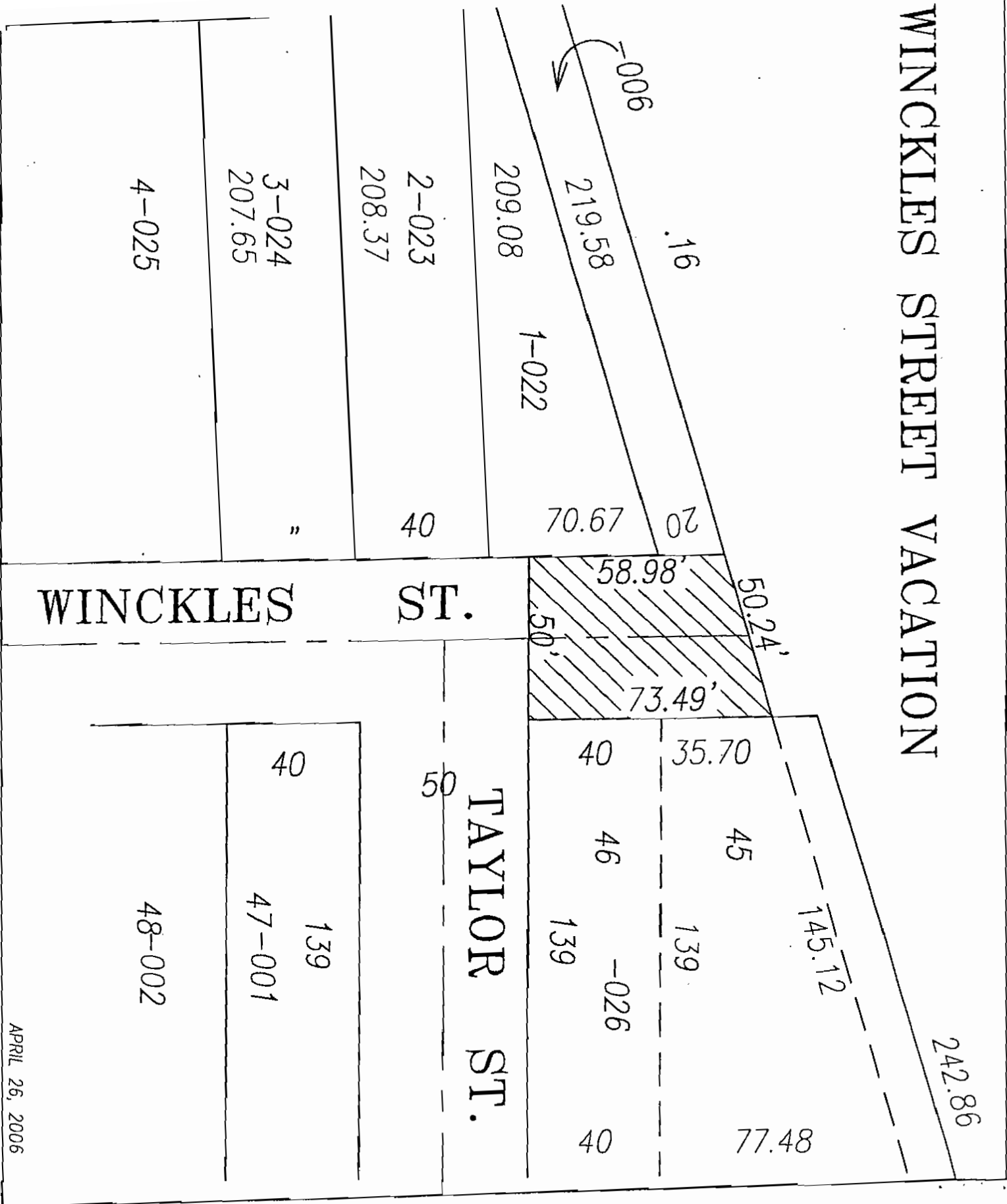
THENCE SOUTH-WEST ALONG RAILROAD PROPERTY LINE A DISTANCE OF 50-24 FT. TO A POINT.

THENCE SOUTHERLY A DISTANCE OF 58-98 FT. TO A POINT, IN EASTERLY LINE OF SUBLOT #1 AND 2

THENCE EASTERLY A DISTANCE OF 50 FT. TO THE PLACE OF BEGINNING.

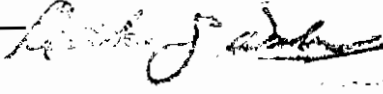
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WINCKLES STREET VACATION



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. 2006-82 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: 7/12/06 _____


CLERK OF COUNCIL
CITY OF ELYRIA, OHIO

Date presented to the Mayor: 7/11/06 _____