

CERTIFICATION

I HEREBY CERTIFY THAT THIS IS AN EXACT AND TRUE COPY OF Ordinance No 2007-131

Arthur J. Weber 11-07-07
ARTHUR J. WEBER, CLERK OF COUNCIL DATE
CITY OF ELYRIA, OHIO

Sponsored by:
COMMUNITY DEVELOPMENT:
F. Bullocks
B. Ivancic
T. Callahan
G. Gibbs
V. Stewart

ORDINANCE NO. 2007-131

AN ORDINANCE VACATING A PART OF TREMONT STREET WITHIN THE CITY OF ELYRIA.

WHEREAS, this Council is satisfied that good cause has been shown for the vacation of the part of Tremont Street, as detailed and described in Exhibit "A", and that the vacation will not be detrimental to the general interest of the City of Elyria. COUNTY OF LORAIN, *

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

SECTION 1: That the part of Tremont Street, 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 Tremont Street vacated hereby as described in Exhibit "A" (VACATED REAL PROPERTY) shall be subject to the following terms and conditions:

- a) The reservation of an easement to the City of Elyria (ELYRIA) upon, over and in said VACATED REAL PROPERTY for sanitary and storm sewers, water mains, and any other utilities purposes, as determined by Elyria, upon, over and in said VACATED REAL PROPERTY; and
- 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 said VACATED REAL PROPERTY; and
- 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 said VACATED REAL PROPERTY and to enter upon, over and in 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; and
- d) The reservation of any rights of any other utilities, public or private, existing upon, over and in said VACATED REAL PROPERTY; and

This instrument is being re-recorded to correct the subplot 48 to 212 on the legal description.

Doc ID: 013997320008 Type: OFF
Kind: ORDINANCE
Recorded: 11/21/2007 at 09:11:54 AM
Fee Amt: \$60.00 Page 1 of 6
Lorain County, Ohio
Judith M Nedwick County Recorder
File 2007-0231582

re-rec
NO TRANSFER NECESSARY
MARK R. STEWART
LORAIN COUNTY AUDITOR
3/27/08 mm
DEPUTY

e) The right of ELYRIA to enter upon and over said VACATED REAL PROPERTY for any safety and emergency purposes as determined by ELYRIA; and

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

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

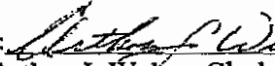
SECTION 3: That the part of Tremont Street hereby vacated, as detailed and described in Exhibit "A", shall revert entirely to the abutting property owners.

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: 11/5/07


E. Kenneth Burkhard, President

ATTEST: 
Arthur J. Weber, Clerk

APPROVED: 11/5/07


William M. Grace, Mayor

DATE: 11-6-07

Approved as to form:

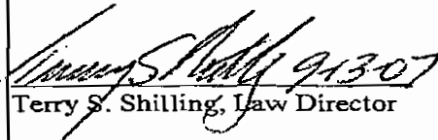

Terry S. Shilling, Law Director

EXHIBIT A

LEGAL DESCRIPTION

*

BEGINNING AT THE INTERSECTION OF RIGHT-OF-WAY OF TREMONT STREET AND SOUTHWEST CORNER OF SUBLOT 212.

THENCE IN WESTERLY DIRECTION ALONG THE NORTH RIGHT-OF-WAY OF TREMONT STREET A DISTANCE OF 136.75 FT. TO A POINT, SAID POINT IS SOUTHEAST CORNER OF SUBLOT 215.

THENCE SOUTH A DISTANCE 33 FT. TO A POINT, SAID POINT IS NORTHEAST CORNER OF SUBLOT 60.

THENCE IN EASTERLY DIRECTION ALONG SOUTH RIGHT-OF-WAY OF TREMONT STREET A DISTANCE OF 136.75 FT. TO A POINT AT NORTHEAST CORNER OF SUBLOT 62.

THENCE NORTH A DISTANCE 33 FT. TO THE POINT OF BEGINNING.

EXHIBIT "A"

LEGAL DESCRIPTION

BEGINNING AT THE INTERSECTION OF RIGHT-OF-WAY OF TREMONT STREET AND SOUTHWEST CORNER OF SUB LOT 48.

THENCE IN WESTERLY DIRECTION ALONG THE NORTH RIGHT-OF-WAY OF TREMONT STREET A DISTANCE OF 136.75 FT. TO A POINT, SAID POINT IS SOUTHEAST CORNER OF SUB LOT 215.

THENCE SOUTH A DISTANCE 33 FT. TO A POINT. SAID POINT IS NORTHEAST CORNER OF SUB LOT 60.

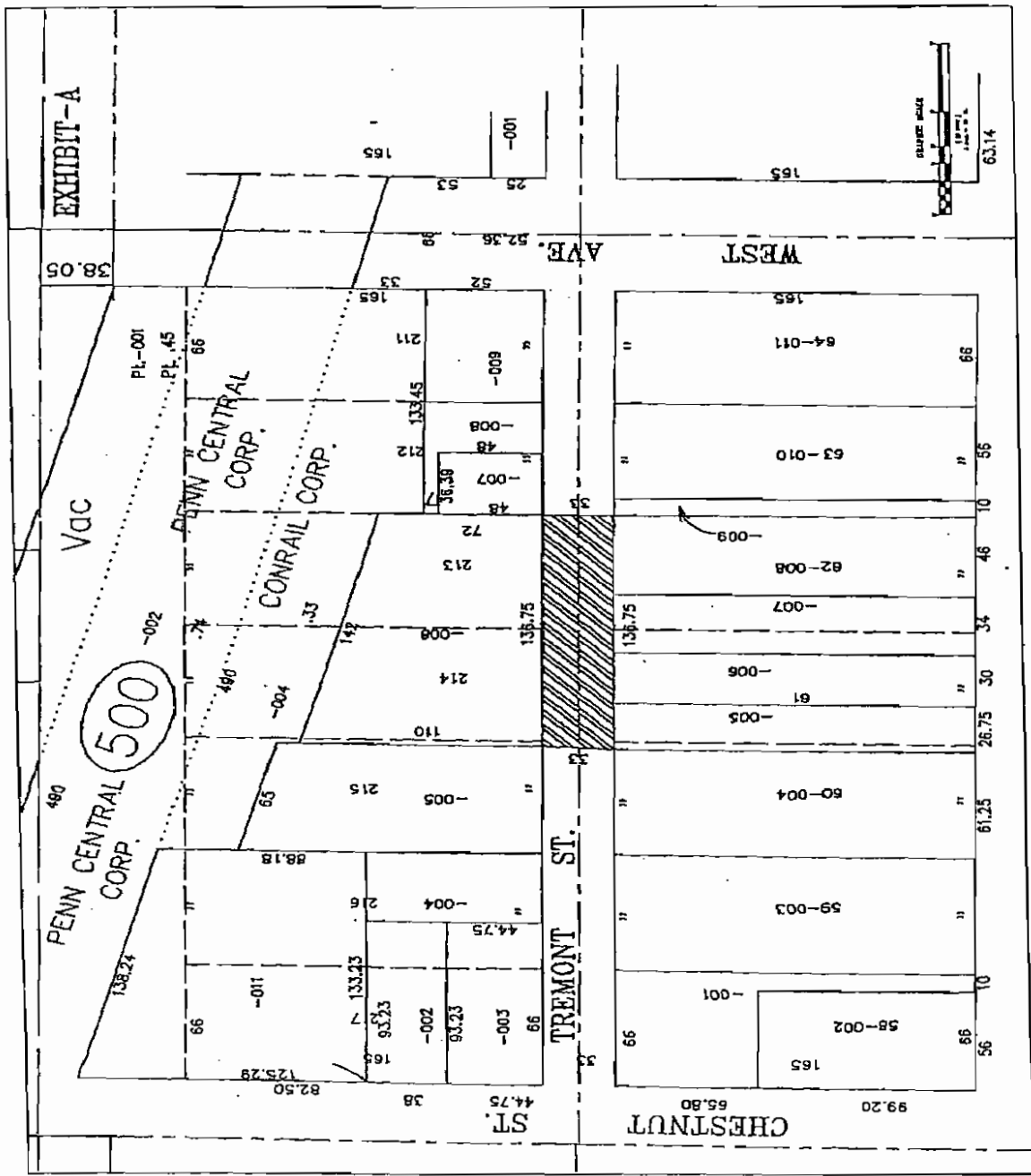
THENCE IN EASTERLY DIRECTION ALONG SOUTH RIGHT-OF-WAY OF TREMONT STREET A DISTANCE 136.75 FT. TO A POINT AT NORTHEAST CORNER OF SUB LOT 62.

THENCE NORTH A DISTANCE 33 FT. TO THE POINT OF BEGINNING.

NO TRANSFER NECESSARY

MARK R. STEWART
LORAIN COUNTY AUDITOR

11-9-07 PAS
DEPUTY



REF. #	PARCEL #	NAME	MAILING ADDRESS				LOCATION ADDRESS
			STREET	CITY	STATE	ZIP	
1	06-26-073-000-001	David Polacsek	651 W. Broad St	Elyria	OH	44035	Broad St. W
2	06-26-073-000-002	David Polacsek	651 W. Broad St	Elyria	OH	44035	Broad St. W
3	06-26-073-000-003	David Polacsek	651 W. Broad St	Elyria	OH	44035	651 Broad St. W
4	06-26-073-000-004	Elysian LLC	254 Parkview Dr.	Avon Lake	OH	44021	Broad St. W
5	06-26-073-000-005	Elysian LLC	254 Parkview Dr.	Avon Lake	OH	44021	633 Broad St.
6	06-26-073-000-006	Elysian LLC	254 Parkview Dr.	Avon Lake	OH	44021	627 Broad St.
7	06-26-073-000-007	Elysian LLC	254 Parkview Dr.	Avon Lake	OH	44021	625 Broad St.
8	06-26-073-000-008	City of Elyria	131 Court St.	Elyria	OH	44035	621 Broad St.
9	06-26-073-000-009	City of Elyria	131 Court St.	Elyria	OH	44035	622 Broad St.
10	06-26-073-000-010	City of Elyria	131 Court St.	Elyria	OH	44035	Broad St.
11	06-26-073-000-011	City of Elyria	131 Court St.	Elyria	OH	44035	601 Broad St.
12	06-26-072-000-002	Billy Stephenson	68 Chestnut St.	Elyria	OH	44035	68 Chestnut St.
13	06-26-072-000-003	Billy Stephenson	68 Chestnut St.	Elyria	OH	44035	Chestnut St.
14	06-26-072-000-004	Eric Ostergaard	805 E. Broad St.	Elyria	OH	44035	Tremont St.
15	06-26-072-000-005	Eric Ostergaard	805 E. Broad St.	Elyria	OH	44035	441 Tremont St.
16	06-26-072-000-006	Elysian LLC	254 Parkview Dr.	Avon Lake	OH	44035	421 Tremont St.
17	06-26-072-000-007	City of Elyria	131 Court St.	Elyria	OH	44035	Tremont St.
18	06-26-072-000-008	City of Elyria	131 Court St.	Elyria	OH	44035	Tremont St.
19	06-26-072-000-009	City of Elyria	131 Court St.	Elyria	OH	44035	West Ave.
20	06-26-072-000-011	Eric Ostergaard	805 E. Broad St.	Elyria	OH	44035	Chestnut St.
21	06-26-072-500-004	Pennsylvania Lines LLC	110 Franklin Rd. SE	Roanoke	VA	24042-0028	West Ave.

re-recorded Ordinance No. 2007-131

STATE OF OHIO (SSI, JUDITH M. NEDWICK, COUNTY RECORDER OF LORAIN, OHIO IN WHOSE COUNTY OF LORAIN) CUSTODY THE RECORDS OF SAID COUNTY ARE KEPT, SO HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF INSTRUMENT NUMBER: 2008-0247126 OF SAID COUNTY LORAIN IN TESTIMONY WHEREOF, I HAVE HEREINTO TO SUBSCRIBE MY NAME AND AFFIXED MY OFFICIAL SEAL IN THE CITY OF ELYRIA, OHIO THIS 1ST DAY OF APRIL 2008.
JUDITH M. NEDWICK LORAIN COUNTY RECORDER
BY DEPUTY RECORDER
Mitta Remali

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. 2007-131 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: 11/6/07

Anthony J. Walsh
CLERK OF COUNCIL
CITY OF ELYRIA, OHIO

Date presented to the Mayor: 11/6/07

~~COUNCIL CLERKS OFFICE
131 COURT ST
ELYRIA, OH 44035~~

re-rec

~~#6000~~

STATE OF OHIO (SSI, JUDITH M. NEDWICK, COUNTY RECORDER OF LORAIN, OHIO IN WHOSE COUNTY OF LORAIN) CUSTODY THE RECORDS OF SAID COUNTY ARE KEPT, SO HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF INSTRUMENT NUMBER: 0231582 OF SAID COUNTY Poland IN TESTIMONY WHEREOF, I HAVE HEREINTO TO SUBSCRIBE MY NAME AND AFFIXED MY OFFICIAL SEAL IN THE CITY OF ELYRIA, OHIO THIS 12th DAY OF March 2008
JUDITH M. NEDWICK LORAIN COUNTY RECORDER
BY DEPUTY RECORDER

Jan M. Curt

*re-rec
(Box: Atty Shilling)
call for Pick-up.*

*re-rec
no fee/MK
OK-JN*

CITY OF ELYRIA OFFICE OF LAW
DIRECTOR
CALL ATTY TERRY S SHILLING
FOR PICK UP
326-1464
ELYRIA, OH 44035