

CERTIFICATION

I HEREBY CERTIFY THAT THIS IS AN EXACT AND TRUE COPY OF Ordinance No. 2008-118

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

09-05-08
DATE

ORDINANCE NO. 2008- 118

Sponsored by:
Community Development

- T. Callahan
- F. Bullocks
- K. Brubaker
- D. Mitchell
- K. Krischer

AN ORDINANCE PURSUANT TO CHAPTER 913, CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO, VACATING THE FIFTH STREET ALLEY BETWEEN WEST AVENUE AND MIDDLE AVENUE IN THE CITY OF ELYRIA, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the Fifth Street Alley, located between West Avenue and Middle Avenue in the City of Elyria, Ohio, is a dedicated street; and

WHEREAS, the Elyria City School District Board of Education is the owner of real property in the City of Elyria in the immediate vicinity of the Fifth Street Alley located between West Avenue and Middle Avenue; and

WHEREAS, the Elyria City School District Board of Education has requested that the Fifth Street Alley located between West Avenue and Middle Avenue, bounded and described in Section 1, be vacated pursuant to Chapter 913, Codified Ordinances of the City of Elyria, Ohio; and

WHEREAS, in the opinion of this 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 the dedicated street known as the Fifth Street Alley located between West Avenue and Middle Avenue in the City of Elyria, State of Ohio and described below be and

NO TRANSFER NECESSARY
MARK R. STEWART
LORAIN COUNTY AUDITOR
9/8/08
DEPUTY

the same is hereby vacated:

Situated in the State of Ohio, County of Lorain, City of Elyria, known as being a part of Elyria Town Block No. 39 and No. 42 as shown by plats recorded in Deed Volume "B", Page 399, Plat Volume 1, Page 9, Plat Volume 2, Page 1 and Plat Volume 3, Page 14, known as being a part of the 33 feet wide alley between 5th Street and 6th Street and between West Avenue and Middle Avenue and being further bounded and described as follows:

Beginning at the 3/4-inch diameter iron pin found in the east line of West Avenue (66 feet wide) South 00° 07' 35" West a distance of 0.24 feet from its intersection with the south line of 5th Street (66 feet wide), thence South 00° 07' 35" West along said east line a distance of 148.26 feet to a point;

Thence South 89° 55' 50" East a distance of 411.50 feet to the northwest corner of a 33 foot wide alley and being the principal place of beginning;

Thence South 89° 55' 50" East along the north line of said alley a distance of 398.91 feet to the intersection of said alley with the west line of Middle Avenue (99 feet wide), said point being South 00° 02' 25" West a distance of 148.50 feet from the intersection of the south line of 5th Street with the west line of Middle Avenue;

Thence South 00° 02' 25" West along said west line a distance of 33.00 feet to its intersection with the south line of said alley;

Thence North 89° 55' 50" West along said south line a distance of 398.91 feet;

Thence North 00° 07' 35" East a distance of 33.00 feet to the point of beginning and containing therein 0.3022 acre of land, be the same more or less. Distances are given in feet and decimal parts thereof. Bearings are to an assumed meridian and are for the purpose of described angles only.

SECTION 2: That, notwithstanding this Ordinance the vacated Fifth Street Alley as described in Section 1 (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 sewer, 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 storm 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 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 purpose of installing, inspecting, altering, repairing, replacing, relocating, operating, removing and restoring and maintaining said Facilities; and
- (D) The reservation of any rights of any other utilities, public or private, existing upon, over and in said VACATED REAL PROPERTY; and
- (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 in Section 2 hereof upon, over and in said VACATED REAL PROPERTY.

SECTION 3: The VACATED REAL PROPERTY 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 be and hereby is declared to be an emergency measure, the emergency being to enable the Elyria City School District Board of Education to forthwith

proceed with the construction of the new Elyria High School, and it is necessary for the immediate preservation of public peace, health, safety and 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: 9/2/08

[Signature]
President

ATTEST: [Signature]
Arthur J. Weber, Clerk

APPROVED: 9/2/08

[Signature]
William M. Grace, Mayor

Dated: 9-3-08

Approved as to form
[Signature]
Terry S. Shilling, Law Director

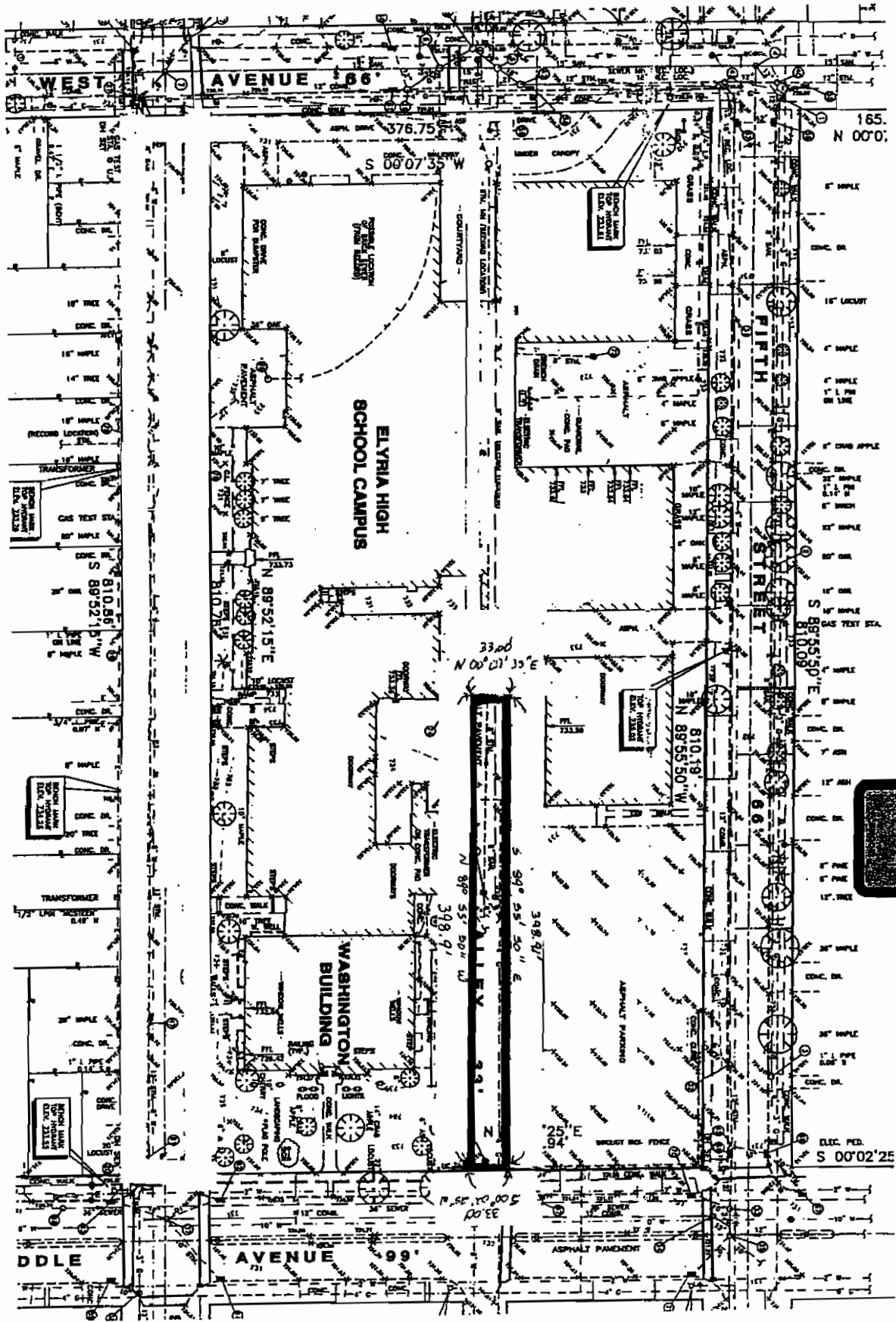
Date Presented to Mayor: 9/3/08

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. 2008- 118 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: 9/4/08

[Signature]
Arthur J. Weber, Clerk of Council
City of Elyria, Ohio



EXHIBIT

REC. PD.
S 00'02'25

Map Review

TRANSFERRED
IN COMPLIANCE WITH SEC. 319-202
OHIO REV. CODE

955076#2007

OCT 2 2003 *fee pd 220.00 MC*

MARK R. STEWART
LORAIN COUNTY AUDITOR

2003 OCT -2 P 3: 16 006353
WARRANTY DEED (Joint & Survivor Form)

KNOW ALL MEN BY THESE PRESENTS that LOUIS NAGY, married, the Grantor, who claims title by or through instrument # 948102, Film # 1999, County Recorder's Office, for the divers good causes and consideration thereunto moving, and especially for the sum of Ten and no/100 Dollars (\$10.00) received to his full satisfaction of WILLIAM MORROW and CATHERINE MORROW, husband and wife, the Grantees, whose TAX MAILING ADDRESS will be 8085 Quarry Road, Amherst, Ohio 44001, do Give, Grant, Bargain, Sell and Convey unto the said Grantees, and to the survivor of them, his or her heirs and assigns, the following described premises, situated in the Township of Amherst, County of Lorain and State of Ohio:

And being known as part of Original Amherst Township Lot Number 94, bounded and described as follows:

Beginning at an iron pin in a monument box found set in the centerline of Quarry Road, 60 feet in width, at its point of intersection with the centerline of Middle Ridge Road, 60 feet in width; Said point being the Northeasterly corner of land conveyed to Thomas A. Miller by deed dated May 16, 1991, and recorded in Official Record Volume 399 Page 149 of Lorain County Records;

Thence South 03 degrees 20' 00" East, in the centerline of Quarry Road, a distance of 220.68 feet to a point and the Southeasterly corner of said Miller land and the principal place of beginning;

Thence South 86 degrees 40' 04" West, in the Southerly line of said Miller land, passing through 3/4 inch iron pipes found set 30.06 feet and 173.07 feet Westerly from the centerline of Quarry Road, a distance of 259.62 feet to a

one and one-half inch iron pipe found set at the Southwesterly corner thereof; Said iron pipe also being in the Easterly line of land conveyed to Leona Carino by deed dated February 28, 2002 and recorded in Document Number 20020813235 of Lorain County Records;

Thence South 03 degrees 20' 06" East in the Easterly line of said Carino land, a distance of 509.12 feet to a point and the Southeasterly corner thereof; Said point also being in the Northerly line of land conveyed to William Dale Morrow and Catherine E. Morrow by deed dated September 29, 1995 and recorded in Official Record Volume 1153, Page 912 of Lorain County Records; Said point being 0.11 feet Northerly of a one-half inch rebar found set; Said line passes 0.08 feet Easterly of a one-half inch rebar found set 41.08 feet Northerly therefrom;

Thence North 84 degrees 37' 14" East, in the Northerly line of said Morrow land, a distance of 111.44 feet to a point being 0.18 feet Southerly of a 1/2 inch rebar found set at the Southwesterly corner of land conveyed to William D. Morrow and Catherine E. Morrow by deed dated May 27, 1997, and recorded in Document Number 19970470629 of Lorain County Records;

Thence North 03 degrees 19' 52" West, in the Westerly line of said Morrow land and in the Westerly line of land conveyed to the Ohio Turnpike Commission by deed recorded in Deed Volume 572, Page 558 of Lorain County Records, a distance of 148.28 feet to a point and the Northwesterly corner of said Ohio Turnpike Commission land; Said line passing through a one-half inch rebar found set 98.31 feet Southerly therefrom;

Thence North 84 degrees 37' 14" East, in the Northerly line of said Ohio Turnpike Commission land, a distance of 148.32 feet to a PK nail found set in the centerline of Quarry Road;

Thence North 03 degrees 20' 00" West, in the centerline of Quarry Road, a distance of 351.56 feet to a point and the principal place of beginning, excepting therefrom a parcel of land conveyed to the Ohio Turnpike Commission by deed dated June 16, 1953 and recorded in Deed Volume 573, Page 38 of Lorain County Records, and a parcel of land conveyed to the Ohio Turnpike Commission by deed dated July 14, 1953 and recorded in Deed Volume 575, Page 330 of Lorain County Records, containing within said bounds exclusive of said exceptions 1.1354 acres of land, be the same more or less, but being subject to all legal highways and easements of record as surveyed by Phil A. Rosebeck, Registered Surveyor 6696 in April of 2003. Bearings are to an assumed meridian

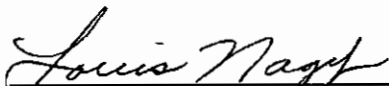
and are for the purposes of describing angles only.
PERMANENT PARCEL NO. 05-00-094-103-027

To Have and to Hold the above granted and bargained premises, with the appurtenances thereunto belonging, unto the said Grantees, and to the survivor of them, his or her separate heirs and assigns forever.

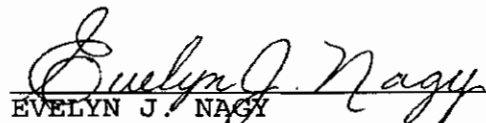
And the said Grantor, for himself and his heirs, executors and administrators, hereby covenant with the said Grantees, their heirs and assigns, that said Grantor is the true and lawful owner of said premises, and is well seized of the same in fee simple, and has good right and full power to bargain, sell and convey the same in the manner aforesaid, and that the same are free and clear from all encumbrances, except covenants, restrictions of record, if any, easements, right of way, conditions, reservations, zoning ordinances, and taxes and assessments which will be prorated to the date of transfer of title, and further, that said Grantor will warrant and defend the same against all claims of all persons whatsoever, except as hereinbefore provided.

And for valuable consideration, I, Evelyn J. Nagy, wife of Louis Nagy, do hereby remise, release and forever quit-claim unto the said Grantees, their heirs and assigns, all my right and expectancy of Dower in the above described premises.

We have hereunto set our hands, the 26th day of September, 2003.



LOUIS NAGY



EVELYN J. NAGY

STATE OF OHIO
SS:
LORAIN COUNTY

Before me, a Notary Public in and for said County and State, personally appeared the above named Louis Nagy and Evelyn J. Nagy, husband and wife, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at Lorain, Ohio, this 26th day of September, 2003.

Elaine Hassler

Notary Public

ELAINE HASSLER
Notary Public, State of Ohio
My commission expires March 25, 2006
3-25-06

MAIL
EOF
This instrument prepared by:
Hyman S. Goldberg #0016635
Attorney at Law
444 Broadway
Lorain, Ohio 44052
Phone: (440) 244-1640

JUDITH M. NEDWICK
LORAIN COUNTY
RECORDER

2003 OCT -2 P 3: 23

44.00 Dhw

RECEIVED FOR RECORD

