

CERTIFICATION

I HEREBY CERTIFY THAT THIS IS AN EXACT AND TRUE COPY OF Ordinance No 2008-26

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

03-20-08
DATE

ORDINANCE NO. 2008-26

Sponsored by:

COMMUNITY DEVELOPMENT:

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

AN ORDINANCE PURSUANT TO CHAPTER 913, CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO, VACATING VIC JANOWICZ DRIVE FKA SIXTH STREET, LOCATED BETWEEN WEST AVENUE AND MIDDLE AVENUE IN THE CITY OF ELYRIA, OHIO AND DECLARING AN EMERGENCY

WHEREAS, Vic Janowicz Drive, located between Middle Avenue and West 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 Vic Janowicz Drive; and

WHEREAS, the Elyria City School District Board of Education has requested that Vic Janowicz Drive, 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 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 the dedicated street known as Vic Janowicz Drive, located in the City of Elyria, State of Ohio and described below be and 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. 34 and No. 39 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 and being further bounded and described as follows:

Beginning at the "drill-hole" set at the intersection of the east line of West Avenue (66 feet wide) with the south line of 6th Street (66 feet wide)(also known as Vic Janowicz Drive), thence North 00° 07' 35" East a distance of 66.00 feet to a "drill-hole" set at the intersection of the east line of said West Avenue with the north line of said 6th Street;

Thence North 89° 52' 15" East along said north line a distance of 810.76 feet to a "drill-hole" set at its intersection with the west line of Middle Avenue (99 feet wide);

Thence South 00° 02' 25" West a distance of 66.00 feet to a "drill-hole" set at the intersection of the west line of said Middle Avenue with the south line of said 6th Street;

Thence South 89 ° 52' 15" West along said south line a distance of 810.86 feet to the point of beginning and containing therein 1.2285 acres of land as surveyed in November, 2007, by ZWICK ASSOCIATES, INC., Donald E. Himes, Registered Surveyor No. 6163. 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 Vic Janowicz Drive 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.

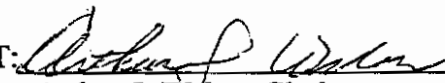
SECTION 4: That upon taking effect of this Ordinance, the Clerk of Council shall cause the plat or map attached hereto as Exhibit A to be transferred in the office of the County Auditor and recorded in the office of the County Recorder in the same manner as plats originally transferred and recorded.

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.

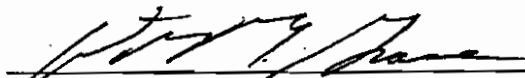
SECTION 6: That this Ordinance be and hereby is declared to be an emergency measure, the emergency being to enable the Elyria City School District Board of Education to forthwith commence the bidding process for construction of a new Elyria High School, and is necessary for the immediate preservation 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: 3/17/08


President E. Kenneth Burkhard


ATTEST: 
Arthur J. Weber, Clerk

APPROVED: 3/17/08


William M. Grace, Mayor

Dated: 3-18-08

Approved as to form

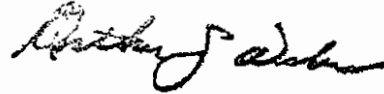

Terry S. Shilling, Law Director

Date Presented to Mayor: 3/18/08

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. 2008-20 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: 3/19/08



Arthur J. Weber, Clerk of Council
City of Elyria, Ohio

NO TRANSFER NECESSARY

**MARK R. STEWART
LORAIN COUNTY AUDITOR**

3-21-08 LRS
DEPUTY