


CERTIFICATION

I HEREBY CERTIFY THAT THIS IS AN EXACT AND TRUE COPY OF Ordinance 2012-155

Sponsored by:
Community Development

- T. Callahan
- J. McHugh
- J. Baird
- D. Mitchell
- M. Madison

Forrest L. Bullock 12-19-2012
 FORREST L. BULLOCK, CLERK OF COUNCIL DATE
 CITY OF ELYRIA, OHIO


 Doc ID: 017285790008 Type: OFF
 Kind: ORDINANCE
 Recorded: 12/28/2012 at 03:09:23 PM
 Fee Amt: \$76.00 Page 1 of 8
 Lorain County, Ohio
 Judith M Nedwick County Recorder
 File 2012-0442437

ORDINANCE NO. 2012- 155

AN ORDINANCE PURSUANT TO CHAPTER 913, CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO, VACATING PORTIONS OF ERNEST STREET, FREDERICK STREET, 50TH STREET, 51ST STREET AND 52ND STREET IN THE CITY OF ELYRIA, OHIO

WHEREAS, Ernest Street, Frederick Street, 50th Street, 51st Street and 52nd Street are all dedicated streets located in the City of Elyria, Ohio; and

WHEREAS, Leona Heights, Ltd. has requested that portions of Ernest Street, Frederick Street, 50th Street, 51st Street and 52nd Street, 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 those portions of the dedicated streets known as Ernest Street, Frederick Street, 50th Street, 51st Street and 52nd Street, located in the City of Elyria, State of Ohio and described below be and the same are hereby vacated:

Situated in the City of Elyria, County of Lorain and State of Ohio, and known as being part of Fiftieth Street, 50 feet wide, Fifty First Street, 50 feet wide,

Legal description reviewed by TB
 on 12/28/12 per ORC, Section 5713.09

Fifty Second Street, 50 feet wide, and Frederick Street, 50 feet wide, and all of Ernest Street, 50 feet wide, in the Leona Heights Allotment, of part of Original Elyria Township 6, Tract 24 Lots 31, 32, 33, 37 and 38, as shown by the recorded plat in Volume 6 of Plats, Page 35 of Lorain County Records and bounded and described as follows:

Beginning on the Southerly line of Fifty Second Street, 50 feet wide, at the Northeasterly corner of Sublot No. 135 in said Leona Heights Allotment;

Thence S. 90d 00'00" W., along the Southerly line of Fifty Second Street, a distance of 1327.30 feet to the Northwesterly corner of Sublot No. 110 in said Leona Heights Allotment on the Northeasterly right-of-way of the Baltimore & Ohio RR CSX System;

Thence N. 13d 49' 13" W., along the Northeasterly line of the Baltimore & Ohio RR CSX System, a distance of 51.49 feet to the Southwesterly corner of Sublot No. 98 in said Leona Heights Allotment on the Northerly line of Fifty Second Street;

Thence N. 90d 00' 00" E., along the Northerly line of Fifty Second Street, a distance of 639.60 feet to the Southeasterly corner of Sublot No. 109 in said Leona Heights Allotment on the Westerly line of Frederick Street;

Thence N. 00d 00' 00" E., along the Westerly line of Frederick Street, a distance of 290.00 feet to the Northeasterly corner of Sublot No. 87 in said Leona Heights Allotment on the Southerly line of Fifty First Street;

Thence S. 90d 00' 00" W., along the Southerly line of Fifty First Street, a distance of 550.00 feet to the Northwesterly corner of Sublot No. 97 in said Leona Heights Allotment on the Easterly line of Ernest Street;

Thence S. 00d 00' 00" W., along the Easterly line of Ernest Street, a distance of 290.00 feet to the Southwesterly corner of Sublot No. 99 in said Leona Heights Allotment, on the Northerly line of Fifty Second Street;

Thence S. 90d 00' 00" W., along the Northerly line of Fifty Second Street, a distance of 50.00 feet to the Southeasterly corner of Sublot No. 98 in said Leona Height Allotment on the Westerly line of Ernest Street;

Thence N. 00d 00' 00" E., along the Westerly line of Ernest Street, a distance of 290.00 feet to the Northeasterly corner of said Sublot No. 98 on the Southerly line of Fifty First Street;

Legal description of JS
on 12/28/12 per ORC, Section 5713.09

Thence S. 90d 00' 00" W., along the southerly line of Fifty First Street, a distance of 110.93 feet to the Northeasterly right-of-way of the Baltimore & Ohio RR CSX System;

Thence N. 13d 49' 13" W., along the Northeasterly line of the Baltimore & Ohio RR CSX System, a distance of 51.49 feet to the Southwesterly corner of Sublot No. 75 in said Leona Heights Allotment on the Northerly line of Fifty First Street;

Thence N. 90d 00' 00" E., along the Northerly line of Fifty First Street, a distance of 123.24 feet to the Southeasterly corner of said Sublot No. 75 on the Westerly line of Ernest Street;

Thence N. 00d 00' 00" E., along the Westerly line of Ernest Street, a distance of 290.00 feet to the Northeasterly corner of said Sublot No. 75 on the Southerly line of Fiftieth Street;

Thence S. 90d 00' 00" W., along the Southerly line of Fiftieth Street, a distance of 194.57 feet to the Northeasterly right-of-way of the Baltimore & Ohio RR CSX System;

Thence N. 13d 49' 13" W., along the Northeasterly line of the Baltimore & Ohio RR CSX System, a distance of 51.49 feet to the Southwesterly corner of Sublot No. 49 in said Leona Heights Allotment on the Northerly line of Fiftieth Street;

Thence N. 90d 00' 00" E., along the Northerly line of Fiftieth Street, a distance of 206.87 feet to the Southeasterly corner of Sublot No. 52 in said Leona Heights Allotment on the Westerly line of Ernest Street;

Thence N. 00d 00' 00" E., along the Westerly line of Ernest Street, a distance of 145.00 feet to the Northerly end thereof;

Thence N. 90d 00' 00" E., along the Northerly end of Ernest Street, a distance of 50.00 feet to the Northwesterly corner of Sublot No. 53 in said Leona Heights Allotment on the Easterly line of Ernest Street;

Thence S. 00d 00' 00" W., along the Easterly line of Ernest Street, a distance of 145.00 feet to the Southwesterly corner of said Sublot No. 53 on the Northerly line of Fiftieth Street;

Thence N. 90d 00' 00" E., along the Northerly line of Fiftieth Street, a distance of 350.00 feet to the Southeasterly corner of Sublot No. 59 in said Leona Heights Allotment;

Thence S. 00d 00' 00" W., a distance of 50.00 feet to the Northeasterly corner of Sublot No. 68 in said Leona Heights Allotment on the Southerly line of Fiftieth Street;

Thence S. 90d 00' 00" W., along the Southerly line of Fiftieth Street, a distance of 350.00 feet to the Northwesterly corner of Sublot No. 74 in said Leona Heights Allotment on the Easterly line of Ernest Street;

Thence S. 00d 00' 00" W., along the Easterly line of Ernest Street, a distance of 290.00 feet to the Southwesterly corner of Sublot No. 76 in said Leona Heights Allotment on the Northerly line of Fifty First Street;

Thence N. 90d 00' 00" E., along the Northerly line of Fifty First Street, a distance of 550.00 feet to the Southeasterly corner of Sublot No. 86 in said Leona Heights Allotment on the Westerly line of Frederick Street;

Thence N. 00d 00' 00" E., along the Westerly line of Frederick Street, a distance of 145.00 feet to the Northeasterly corner of said Sublot No. 86;

Thence N. 90d 00' 00" E., a distance of 50.00 feet to the Northwesterly corner of Sublot No. 175 in said Leona Heights Allotment on the Easterly line of Frederick Street;

Thence S. 00d 00' 00" W., along the Easterly line of Frederick Street, a distance of 145.00 feet to the Southwesterly corner of said Sublot No. 175 on the Northerly line of Fifty First Street;

Thence N. 90d 00' 00" E., along the Northerly line of Fifty First Street, a distance of 450.00 feet to the Southeasterly corner of Sublot No. 167 in said Leona Heights Allotment;

Thence S. 00d 00' 00" W., a distance of 50.00 feet to the Northeasterly corner of Sublot No. 158 in said Leona Heights Allotment on the Southerly line of Fifty First Street;

Thence S. 90d 00' 00" W., along the Southerly line of Fifty First Street, a distance of 450.00 feet to the Northwesterly corner of Sublot No. 150 in said Leona Heights Allotment on the Easterly line of Frederick Street;

Thence S. 00d 00' 00" W., along the Easterly line of Frederick Street, a distance of 290.00 feet to the Southwesterly corner of Sublot No. 149 in said Leona Heights Allotment on the Northerly line of Fifty Second Street;

Thence N. 90d 00' 00" E., along the Northerly line of Fifty Second Street, a distance of 650.00 feet to the Southeasterly corner of Sublot No. 137 in said Leona Heights Allotment on the Westerly line of Perkins Street;

Thence S. 00d 00' 00" W., along the Westerly line of Perkins Street, a distance of 50.00 feet to the place of beginning, and containing 4.9487 acres (215,563 square feet) land be the same more or less, but subject to all legal highways and easements of record.

All bearings are based on the numbered streets having a bearing of N. 90d 00' 00" E., and are used to denote angles only.

SECTION 2: That, notwithstanding this Ordinance, the vacated portions of Ernest Street, Frederick Street, 50th Street, 51st Street and 52nd Street as described in Section 1 shall be subject to the following terms and conditions:

- (A) The reservation of any rights of any utilities, public or private, existing upon, over and in said real property described herein;
- (B) The right of the City of Elyria to enter upon and over said real property described herein for any safety and emergency purposes as determined by the City of Elyria; and
- (C) No person shall restrict nor impede Elyria or any other utilities right of access or any other rights as provided in this Section 2 upon, over and in the real property described herein.

SECTION 3: The vacated portions of Ernest Street, Frederick Street, 50th Street, 51st Street and 52nd Street shall revert entirely to the abutting property owners.

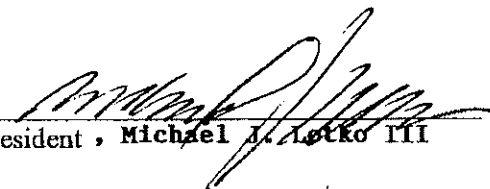
SECTION 4: That upon taking effect of this Ordinance, the Clerk of Council shall cause the plat or map attached hereto as Exhibit A to be transferred in the office of the County Auditor

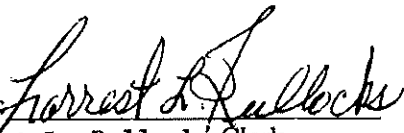
and recorded in the office of the County Recorder in the same manner as plats originally transferred and recorded.

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.

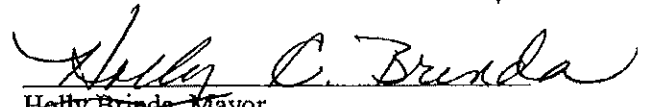
SECTION 6: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 12/17/12


President, Michael J. Letko III

ATTEST: 
Forrest L. Bullocks, Clerk

APPROVED: 12/17/12


Holly Brinda, Mayor

Dated: 12/17/12

Approved as to form:

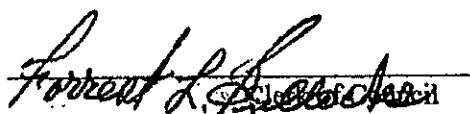
 11/13/12
Scott Serazin, Law Director

Date Presented to Mayor: 12/17/12

CERTIFICATE OF PUBLICATION

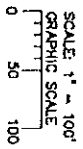
I, THE UNDERSIGNED, CLERK OF COUNCIL OF THE CITY OF ELYRIA, OHIO, HEREBY CERTIFY THAT THE FULL TEXT OF THIS FOREGOING ORDINANCE NO. 2012-156 WAS POSTED IN THREE PLACES WITHIN THE CITY AS DETERMINED BY COUNCIL, AND THAT SUCH PLACES WERE AS FOLLOWS: CITY HALL, CENTRAL FIRE STATION, AND THE POLICE STATION.

Dated: 12/18/12


Forrest L. Lawson
City of Elyria, Ohio

FAUVER KEYSE-WALKER AND
DONOVAN
5333 MEADOW LANE CT
ELYRIA, OH 44035-1469

VACATION MAP
 OF PARTS OF
 ERNEST STREET
 FREDERICK STREET
 FIFTIETH STREET
 FIFTY FIRST STREET &
 FIFTY SECOND STREET
 LEONA HEIGHTS ALLOTMENT
 AS SHOWN IN PLAT VOLUME 8 PAGE 51
 NOW IN THE CITY OF OKLAHOMA COUNTY OF OKLAHOMA
 A STATE OF 1901
 LEONA HEIGHTS LTD.
 BY THE ORDER OF THE BOARD OF DIRECTORS
 WITNESSED AND SIGNED
 HOME (214) 231-5445 FAX (214) 231-5148
 SCALE 1" = 100'
 AUGUST 2003



BEARINGS BASED ON
 NUMBERED STREETS BEARING
 DUE EAST & WEST

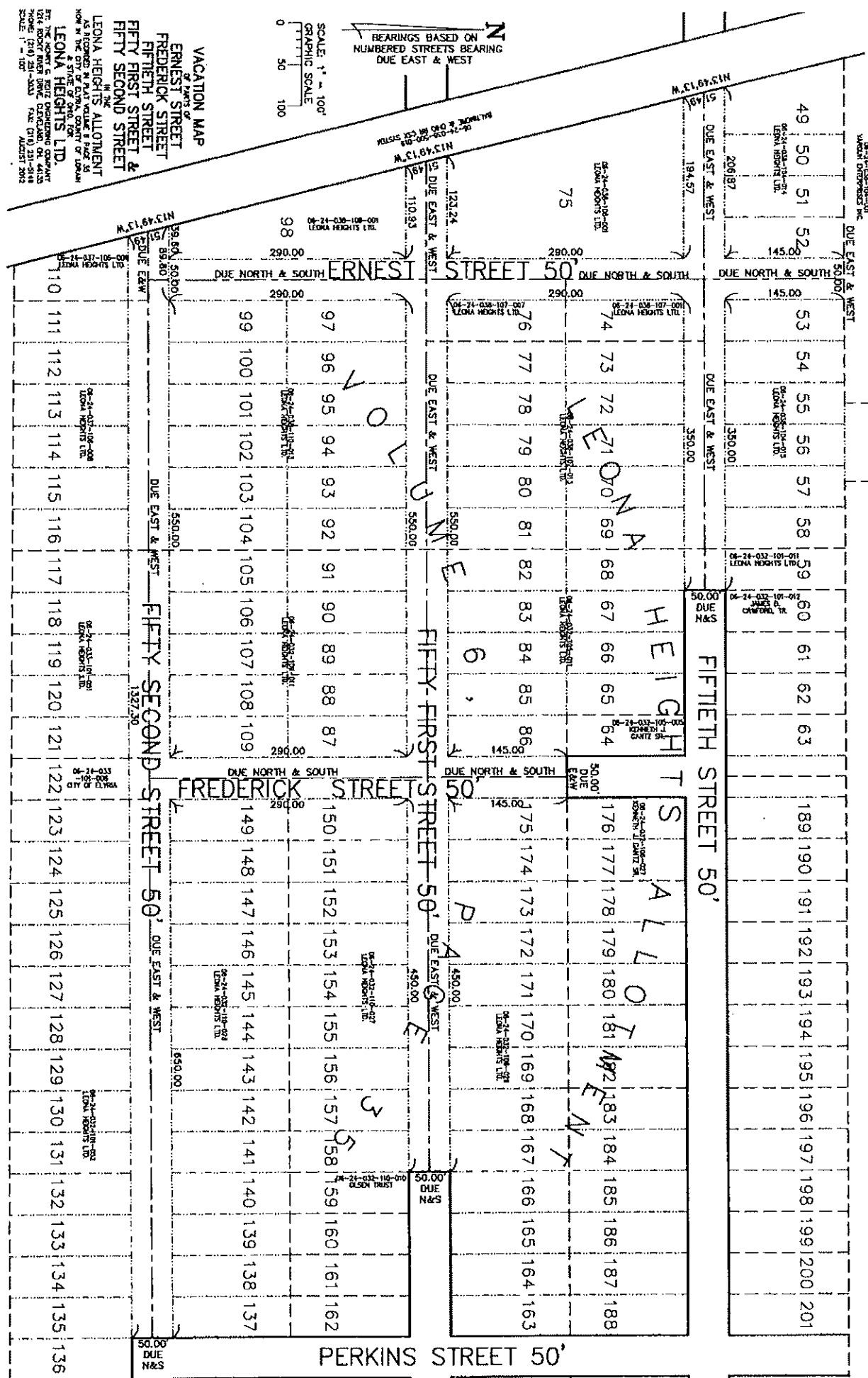


EXHIBIT A

AFFIDAVIT

THE STATE OF OHIO
County of Lorain

LEGAL NOTICE

You are hereby notified a public hearing will be held on Monday, December 17, 2012 at 7 P.M. in Council Chambers, Elyria City Hall, 131 Court Street, Elyria, Ohio, to consider the following:

RECEIVED NOV 26 2012

I, the undersigned, being duly sworn, do upon my oath depose and say for the publishers of THE CHRONICLE TELEGRAM; that said newspaper is printed and published, and of general circulation in Lorain County; that said newspaper meets the requirements of Sections 7.12 and 5721.01 Ohio Revised Code as amended effective September 14, 1957, and that the notice, a copy of which is attached, was published in said newspaper on the 15th day of November, 2012 A.D.

An Ordinance pursuant to Chapter 913, Codified Ordinances of the City of Elyria, Ohio, vacating portions of Ernest Street, Frederick Street, 50th Street, 51st Street and 52nd Street in the City of Elyria, Ohio.

Those persons needing assistance, or with special needs, must contact the Office of the Clerk of Council 72 hours prior to the meeting at 440-326-1150 to make the necessary arrangements.

Linda Jones
Legal Clerk, THE CHRONICLE TELEGRAM

Forrest L. Bullocks
Clerk of Council
CITY OF ELYRIA, OHIO

Sworn to and subscribed before me this 20th day of November, A.D. 2012.

C.T.11/15/12
20407751

Alicia Roz
Notary Public



State of Ohio
Notary Public
Alicia Rozmarynowycz
My Commission Expires 11/25/2012

Printer's Fees	\$	58.21
Notary Fees	\$	1.50
TOTAL	\$	59.71

FAUVER, KEYSE-WALKER & DONOVAN

A LEGAL PROFESSIONAL ASSOCIATION

STEPHEN P. CHAVEZ
KEVIN WM. DONOVAN
KRISTINA M. KING
HOWARD T. LANE
JAMES R. WHITE
ROBERT C. WHITE
BRETT D. WIEBER

5333 MEADOW LANE COURT
ELYRIA, OHIO 44035-1488
(440) 934-3700 FAX: (440) 934-3708
WEBSITE: www.fkwdlaw.com

RETIRED

SCRIBNER L. FAUVER
J.C. WM. TATTERSALL
JOHN P. GALLAGHER
JOHN L. KEYSE-WALKER

WORTH A. FAUVER, JR.
(1995-2007)

January 7, 2013

City of Elyria
Attn: Nell
131 Court Street
Elyria, Ohio 44035

Re: Leona Heights, Ltd. Vacation of Streets

Dear Nell:

Pursuant to your request, enclosed please find a recorded copy of Ordinance No. 2012-155 vacating portions of Ernest Street, Frederick Street, 50th Street, 51st Street and 52nd Street in the City of Elyria.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Howard T. Lane

HTL:dz
Enclosure
cc: Leona Heights, Ltd.