

ORDINANCE NO. 37-86

AN ORDINANCE RELEASING AND VACATING PART OF 4706 BRIARWOOD DRIVE PREMISES IN LORAIN, OHIO FROM AN EASEMENT.

WHEREAS, the City of Lorain, Ohio maintains drainage and utility easements as recorded in Volume 31, Page 11 of the Lorain County Record of Plats; and

WHEREAS, the aforesaid easements traverse the premises located at 4706 Briarwood Drive, Lorain, Ohio; and

WHEREAS, a petition signed by 100% of the owners of property abutting the easement at the said 4706 Briarwood Drive have duly presented to Council the petition praying for a partial release of the easement; and

WHEREAS, City Council, upon hearing is satisfied that there is good cause for such release and vacation as prayed for and that it will not be detrimental to the general interest and ought to be made; and

WHEREAS, under the provision of Section 723.01 Ohio Revised Code, notice of pendency and prayer of said petition is not required.

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

SECTION I. That that portion of the drainage and utilities easement as found and recorded in Volume 31, Page 11 of the Lorain County Record of Plats and which traverses the premises located at 4706 Briarwood Drive, Lorain, Ohio is released, vacated and discharged from the operation as an easement only to the following extent and upon the following conditions.

Situated in the Township of Black River, City of Lorain, County of Lorain, and State of Ohio, being part of Original Lot Number 6 Tract 2 of said township and being more particularly described as follows:

Beginning at the intersection of the southline of Sublot 80 and the westline of Briarwood Drive (60 feet wide) of the Edgewood Estates Subdivision Number 4 as recorded in Volume 31 Page 11 of the Lorain County Record of Plats.

Thence northerly in the Westline of Briarwood Drive (60 feet wide), a distance of 10.00 feet to a point in the northline of a public drainage and utility easement.

Thence Westerly in the northline of said easement and parallel to the southline of Sublot Number 80, a distance of 35.00 feet to a point, said point hereafter referred to as the principal place of beginning.

Thence continuing in the northline of said easement and parallel to the southline of Sublot Number 80, a distance of 35.00 feet to a point;

Thence southerly parallel to the westline of Briarwood Drive, a distance of 5.00 feet to a point.

Thence easterly in a line parallel to the southline of Sublot Number 80, a distance of 35.00 feet to a point;

Thence northerly parallel to the westline of Briarwood, a distance of 5.00 feet to a point in the northline of said easement, said point also being the principal place of beginning and containing within said bounds 175.00 S.F. be the same more or less.

L. ARLENE K. MORANDA, CLERK OF COUNCIL OF THE CITY OF LORAIN, OHIO, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE COPY OF ORDINANCE/RESOLUTION NO. 37-86 PASSED ON THE 27 DAY OF March, 1986, BY SAID COUNCIL AND TAKEN FROM THE RECORDS ON FILE IN THE OFFICE OF THE CLERK OF COUNCIL.

L. Arlene K. Moranda
CLERK OF COUNCIL
10-1-87
DATE

LEGAL DEPARTMENT
CITY OF LORAIN, OHIO
EDWARD M. ZALESKI
LAW DIRECTOR
CITY HALL - 7TH FLOOR
LORAIN, OHIO 44052-1683
PHONE: (216) 244-3663

The City of Lorain, Ohio otherwise reserves unto itself and others, easement rights to construct, repair or maintain drainage and utility systems whenever deemed necessary.

The owners of the aforementioned premises have executed an agreement attached hereto and incorporated herein by reason of this partial release of easement.

- SECTION II. This Release shall not be construed to waive or in any manner affect or inviolate easements reserved on the residue of the property as recorded in Volume 31, Page 11 of the Lorain County Record of Plats.
- SECTION III. That the Director of Public Service be and he is hereby authorized and directed to execute a release of easement in the form stated in the Release of Part of Premises From Easement, attached hereto and incorporated herein by reference.
- SECTION IV. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22, Ohio Revised Code.
- SECTION V. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 17 March, 1986

ATTEST Delene K. Tokinda CLERK

APPROVED: 18 March, 1986

PRESIDENT OF COUNCIL

Freem. Olijer
MAYOR

PETITION TO VACATE

A PORTION OF THE EXISTING DRAINAGE AND UTILITY EASEMENT
(10 FEET WIDE) ON THE SOUTHERLY 10 FEET OF SUBLLOT 80 OF
EDGEWOOD ESTATES SUBDIVISION NUMBER 4.

To The Honorable Council
City of Lorain, Ohio

The undersigned property owner whose property boundaries enclose an existing drainage and utility easement (10 feet wide), do hereby respectfully petition your Honorable Body to declare a portion of said easement vacated as described below, as it is no longer needed for the purposes of a public drainage and utility easement.

DESCRIPTION

Situated in the Township of Black River, City of Lorain, County of Lorain, and State of Ohio, being part of Original Lot Number 6 Tract 2 of said township and being more particularly described as follows:

Beginning at the intersection of the southline of Sublot 80 and the westline of Briarwood Drive (60 feet wide) of Edgewood Estates Subdivision Number 4 as recorded in Volume 31 Page 11 of the Lorain County record of Plats.

Thence northerly in the Westline of Briarwood Drive (60 feet wide), a distance of 10.00 feet to a point in the northline of a public drainage and utility easement.

Thence westerly in the northline of said easement and parallel to the southline of Sublot Number 80, a distance of 35.00 feet to a point, said point hereafter referred to as the principal place of beginning.

Thence continuing in the northline of said easement and parallel to the southline of Sublot Number 80, a distance of 35.00 feet to a point;

Thence southerly parallel to the westline of Briarwood Drive, a distance of 5.00 feet to a point.

Thence easterly in a line parallel to the southline of Sublot Number 80, a distance of 35.00 feet to a point;

Thence northerly parallel to the westline of Briarwood, a distance of 5.00 feet to a point in the northline of said easement, said point also being the principal place of beginning and containing within said bounds 175.00 S.F. be the same more or less.


NOTE: The signature of all of the legal owners to the permanent parcel of land is required to qualify the parcel for this petition; however each must sign individually and on separate lines. The signature of Mr. and Mrs. J. Doe or John and Mary Doe etc. are not acceptable. Property under transfer or land contract should be signed by both the Seller (Grantor) and Purchaser (Grantee). All signatures should be in ink.

ENGINEER'S CERTIFICATIONS

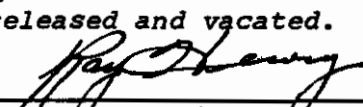
The signed Frontage on the petition represents 100 percent of the owners.

The signed frontage on this petition accurately represents the easement sought to be released and vacated.

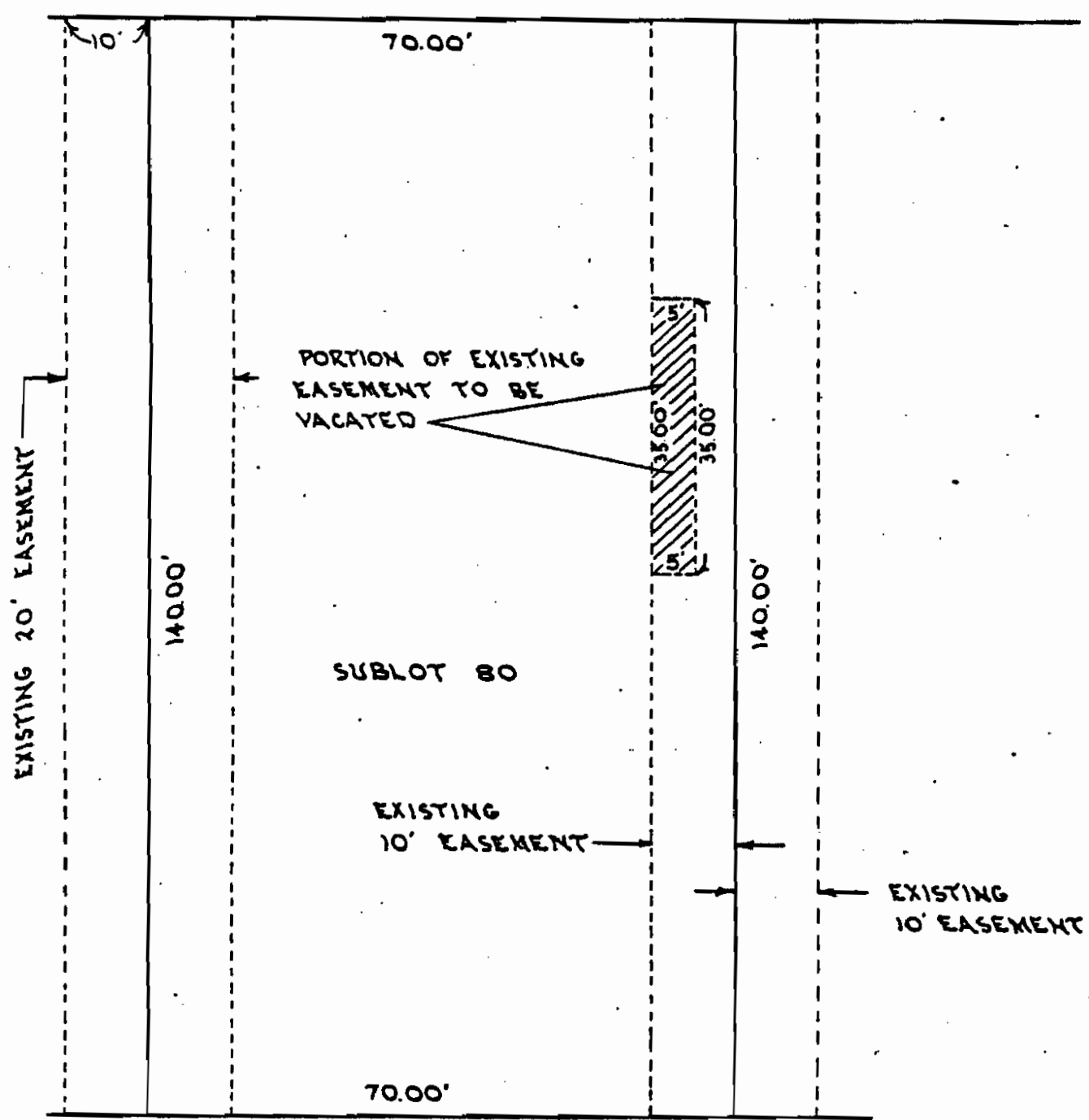
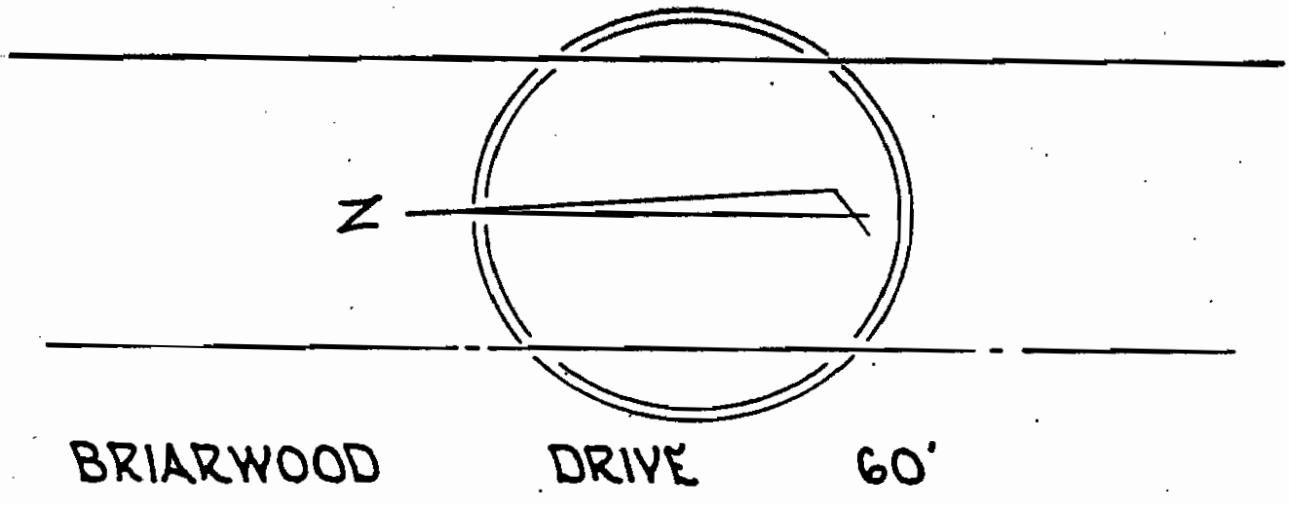
To Council: _____
Date



City Engineer



City Engineer



SCALE 1"=20'
DR. P.A.M.G.G.

RELEASE OF PART OF PREMISES FROM EASEMENT

Know all men by these presents, that the City of Lorain, Ohio, by and through its Director of Public Service, and pursuant to Ordinance No. 37-86, for a valuable consideration, does hereby release and discharge from the operation of an easement reserved to the City of Lorain, Ohio the following portion of the City's easements as found in Volume 31, Page 11 of the Lorain County Record of Plats:

Situated in the Township of Black River, City of Lorain, County of Lorain, and State of Ohio, being part of Original Lot Number 6 Tract 2 of said township and being more particularly described as follows:

Beginning at the intersection of the southline of Sublot 80 and the westline of Briarwood Drive (60 feet wide) of the Edgewood Estates Subdivision Number 4 as recorded in Volume 31 Page 11 of the Lorain County Record of Plats.

Thence northerly in the Westline of Briarwood Drive (60 feet wide), a distance of 10.00 feet to a point in the northline of a public drainage and utility easement.

Thence Westerly in the northline of said easement and parallel to the southline of Sublot Number 80, a distance of 35.00 feet to a point, said point hereafter referred to as the principal place of beginning.

Thence continuing in the northline of said easement and parallel to the southline of Sublot Number 80, a distance of 35.00 feet to a point;

Thence southerly parallel to the westline of Briarwood Drive, a distance of 5.00 feet to a point.

Thence easterly in a line parallel to the southline of Sublot Number 80, a distance of 35.00 feet to a point;

Thence northerly parallel to the westline of Briarwood, a distance of 5.00 feet to a point in the northline of said easement, said point also being the principal place of beginning and containing within said bounds 175.00 S.F. be the same more or less.

This Release shall not be construed to waive or in any manner affect or inviolate easements reserved on the residue of the property as recorded in Volume 31, Page 11 of the Lorain County Record of Plats; nor shall this Release be construed as limiting the City's ability to construct, repair or maintain sewers and other utilities within the easement.

In witness whereof, I have hereunto set my hand this 24th day of March, 1986.

In the presence of:

Rose Francis
Jim Mince

The City of Lorain, Ohio

Robert H. Hobe
Director of Public Service

This instrument prepared by:

MYRON HARKACZ

STATE OF OHIO)
 SS
COUNTY OF LORAIN)

Before me, a notary public in and for the State of Ohio, personally appeared Richard J. Koba, Director of Public Service of the City of Lorain, Ohio, who acknowledged that he signed the foregoing instrument; that the same is his free act and deed as such officer and the free act of the City of Lorain, Ohio; and that his name was subscribed to the foregoing instrument by direction and authority of the Council of the said City, as expressed in Ordinance No. 37-86.

In testimony whereof, I have hereunto set my hand and affixed my official seal in the City of Lorain, State of Ohio, this 24th day of March, 1986.

Rose Jacobs

Notary Public, State of Ohio

ROSE JACOBS

NOTARY PUBLIC, STATE OF OHIO

MY COMMISSION EXPIRES 3-25-1990

RELEASE BY RAMON MANICSIC AND JULIE MANICSIC

We, the undersigned Ramon Manicsic and Julie Manicsic, husband and wife, who are owners of the real property located at 4706 Briarwood Drive, Lorain, Ohio, Permanent Parcel No. 02-02-006-112-093, and upon which said property the City of Lorain, Ohio maintains an easement as recorded in Volume 31, Page 11 of the Lorain County Record of Plats, do hereby state, that:

FOR THE CONSIDERATION of the City of Lorain, Ohio effecting a partial release and/or vacation of the aforesaid easement as stated in the Petition To Vacate incorporated herein by reference; and

FOR THE CONSIDERATION of the benefits to be derived by us and our successors from the partial release of the aforesaid easement;

DO HEREBY for ourselves, our executors, administrators, assigns and successors release, absolve, and forever discharge the City of Lorain, Ohio and its successors and assigns, from all claims, demands, damages, actions and causes of action whatsoever, past, present or future which can or ever may be asserted, as a result of this transaction and/or the effects or consequences thereof including, but not limited to, any and all claims for or on account of damages or injuries arising from the presence of storm sewers in the easement, or on account the construction, repair or maintenance of storm sewers in the easement.

IN WITNESS WHEREOF, we have set our hands this 14th day of March, 1986 at Lorain, Ohio.

Donald M. Zulecki
WITNESS

Man [Signature]
WITNESS

3-14-86 R Manicsic
RAMON MANICSIC

3-14-86 Julie Manicsic
JULIE MANICSIC