

ORDINANCE NO. 47-12

AN ORDINANCE VACATING THE NORTH-SOUTH ALLEY (16 FEET IN WIDTH) WEST OF BROADWAY, BEGINNING AT THE SOUTH RIGHT OF WAY LINE OF WEST 6<sup>TH</sup> STREET AND EXTENDING SOUTHERLY BETWEEN PARALLEL LINES A DISTANCE OF APPROXIMATELY 178 FEET TO THE SOUTHERLY TERMINUS THEREOF; AND THAT THE EAST-WEST ALLEY (16 FEET IN WIDTH) SOUTH OF WEST 6<sup>TH</sup> STREET BEGINNING AT THE WESTERLY RIGHT OF WAY LINE OF THE NORTH-SOUTH ALLEY WEST OF BROADWAY AND EXTENDING WESTERLY BETWEEN PARALLEL LINES A DISTANCE OF APPROXIMATELY 75 FEET TO THE WESTERLY TERMINUS THEREOF DEPICTED IN THE MAP ATTACHED HERETO AND DECLARING AN EMERGENCY.

WHEREAS, a petition signed by the owners representing 100% of the frontage of property abutting the north-south alley (16 feet in width) west of Broadway, beginning at the south right of way line of West 6<sup>th</sup> Street and extending southerly between parallel lines a distance of approximately 178 feet to the southerly terminus thereof; and that the east-west alley (16 feet in width) south of West 6<sup>th</sup> Street beginning at the westerly right of way line of the north-south alley west of Broadway and extending westerly between parallel lines a distance of approximately 75 feet to the westerly terminus thereof depicted in the map attached hereto was duly presented to Council praying that said portion of the alley be vacated; and

WHEREAS, the Council of the City of Lorain, pursuant to ORC §723.04, with 100% of the abutting property owners concurring, determines there is good cause for such section of the alley and it will not be detrimental to the general interest and should be made.

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

SECTION I: That the alley north-south alley (16 feet in width) west of Broadway, beginning at the south right of way line of West 6<sup>th</sup> Street and extending southerly between parallel lines a distance of approximately 178 feet to the southerly terminus thereof; and that the east-west alley (16 feet in width) south of West 6<sup>th</sup> Street beginning at the westerly right of way line of the north-south alley west of Broadway and extending westerly between parallel lines a distance of approximately 75 feet to the westerly terminus thereof depicted in the map attached hereto, be and the same is vacated, subject however to the City of Lorain reserving to itself and others, easement rights to construct or maintain sanitary sewer conduits, storm sewer conduits, water conduits, gas conduits, electric conduits, fire alarm system conduits, telephone and electric pole transmission lines and other similar facilities under or above said alley whenever deemed necessary.

SECTION II: That it is agreed that each one-half of the alley will revert to the respective abutting owner on each side of said alley.

SECTION III: That it is found and determined that all formal actions of this Council concerning and relating to the adoption 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 actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION IV: That this Ordinance is declared to be an emergency pursuant to an agreement between the abutting property owners and the City that the vacating process begin by March 5, 2012, therefore it shall take effect and be in force immediately upon passage by Council and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to City Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

*April 16, 2012*

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

*Nancy Green* CLERK

  
\_\_\_\_\_  
MAYOR

APPROVED: \_\_\_\_\_

*April 16<sup>th</sup>, 2012*

PETITION TO VACATE

Petition to vacate the north-south alley (16 feet in width) west of Broadway, beginning at the south right of way line of West 6<sup>th</sup> Street and extending southerly between parallel lines a distance of approximately 178 feet to the southerly terminus thereof; and that the east-west alley (16 feet in width) south of West 6<sup>th</sup> Street beginning at the westerly right of way line of the north-south alley west of Broadway and extending westerly between parallel lines a distance of approximately 66 feet to the westerly terminus thereof depicted in Exhibit - A attached hereto.

To the Honorable City Council  
City of Lorain, Ohio

Honorable Members:

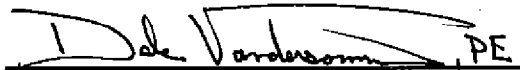
We, the undersigned property owners whose properties abut the alleys (16 feet in width) as described above, do hereby respectfully petition your Honorable Body to declare said alley portion vacated with reservations as stated below, as it is no longer needed for the purpose of a public alley.

It is understood and agreed by the undersigned parties that if the above petition is granted, and the alley declared vacated, that the City of Lorain, Ohio reserves to itself and others, easement rights to construct or maintain sanitary sewer conduits, storm sewer conduits, water conduits, gas conduits, electric conduits, fire alarm system conduits, telephone and electric pole transmission lines and other similar facilities under, or above said street whenever deemed necessary. It is also agreed that each one half of the street, will revert to the respective abutting owners on each side of said street.

NOTE: The signature of only one of the legal owners to the permanent parcel of land is required to qualify the parcel for this petition. All of the legal owners should sign whenever possible; 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 the Purchaser (Grantee). All signatures should be in ink. Opposite the signature, designate the lot number and Street frontage.

ENGINEER'S CERTIFICATION

The signed frontage on this petition represents 100 percent of the frontage between the points named, however, the signed frontage on this petition represents 100 percent of the frontage owning lots in the immediate vicinity and, or abutting the portion of the Street prayed to be vacated who have an interest in the said Street.



City Engineer  
City Engineering Dept.

To Council: \_\_\_\_\_  
Date

C: FN 292A





**Gary Davis**  
**Gardens of Charleston parcels**

02-01-004-701-001  
02-01-004-701-002  
02-01-004-701-003  
02-01-004-701-004  
02-01-004-701-005  
02-01-004-701-006  
02-01-004-701-007  
02-01-004-701-008  
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02-01-004-701-026  
02-01-004-701-027  
02-01-004-701-028  
02-01-004-701-029  
02-01-004-701-030  
02-01-004-701-031



*The City of Lorain, Ohio*  
*R. Michael Fowler*  
*Safety/Service Director*

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Chase Ritenauer  
Mayor

April 11, 2012

Lorain City Council  
Lorain City Hall  
200 West Erie Avenue, 1<sup>st</sup> Floor  
Lorain, OH 44052

Dear Members of Council:

Attached for your consideration is an Ordinance to vacate portions of the north-south and east-west alleys abutting property owned by The Lorain Elks Lodge #1301 and Gary Davis. The vacation of the portions of alley is pursuant to an agreement between the aforementioned abutting property owners and the City which is attached hereto.

Please consider passing the attached Ordinance with the emergency clause as the attached agreement states the process of vacating of said alleys begin by March 5, 2012.

Thank you for your consideration of this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Michael Fowler", with a long horizontal flourish extending to the right.

R. Michael Fowler, Director  
Departments of Public Safety/Service

RMF/lk