

ORDINANCE NO. 55-19

AN ORDINANCE VACATING A PORTION OF THE EASTERLY-WESTERLY ALLEY (16 FEET IN WIDTH) SOUTH OF 5<sup>TH</sup> STREET, BEGINNING AT THE SOUTH EASTERLY CORNER OF PARCEL 0201004103010 AND EXTENDING WESTERLY BETWEEN PARALLEL LINES A DISTANCE OF APPROXIMATELY 17.5 FEET TO THE SOUTH WESTERLY CORNER OF SAID PARCEL; DEPICTED IN **EXHIBIT - A**, ATTACHED HERETO.

WHEREAS, This council finds that a petition signed by the owners of all property abutting upon a portion of the easterly-westerly alley (16 feet in width) south of 5<sup>th</sup> Street, beginning at the south easterly corner of parcel 0201004103010 and extending westerly between parallel lines a distance of approximately 17.5 feet to the south westerly corner of said parcel has been presented to this council, praying that said portion of the alley between the points be vacated, and;

WHEREAS, This council finds that there is good cause for such vacation of the described portion of this alley as prayed for and that such vacation of this alley will not be detrimental to the general interests and ought to be made.

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

SECTION I. That the portion of the easterly-westerly alley (16 feet in width) south of 5<sup>th</sup> Street, beginning at the south easterly corner of parcel 0201004103010 and extending westerly between parallel lines a distance of approximately 17.5 feet to the south westerly corner of said parcel is hereby vacated.

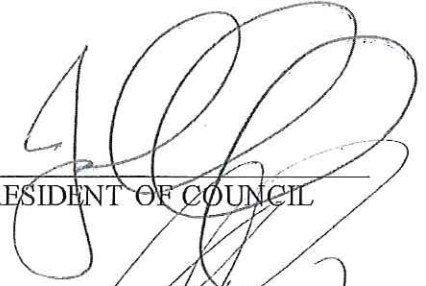
SECTION II. The City Engineer is hereby instructed to prepare a vacation plat or plats of said portion of the vacated ally and the Clerk of Council is instructed to endorse upon such plat or plats the action of this council in vacating such portion of the alley and to cause said plat or plats to be recorded in the office of the Recorder of Lorain County, Ohio.

SECTION III. The Clerk of Council is directed to notify the Auditor of Lorain County of the vacation be sending him a copy of this ordinance.


SECTION IV. 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 an any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION V. That this Ordinance shall be in force from and after the earliest period allowed by law.

PASSED: May 6, 2019

  
PRESIDENT OF COUNCIL

ATTEST: Nancy Greer CLERK

  
MAYOR

APPROVED: May 6<sup>th</sup>, 2019

I, NANCY A. GREER, CLERK OF COUNCIL OF THE CITY OF LORAIN, OHIO, CERTIFY THE FOREGOING IS A TRUE AND ACCURATE COPY OF Ord. NO. 5519 PASSED ON THE 6 DAY OF May 2019 BY COUNCIL AND TAKEN FROM THE RECORDS IN THE OFFICE OF THE CLERK.

5/8/19  
DATE

Deanna Dull  
Deputy CLERK OF COUNCIL

PETITION TO VACATE

Petition to vacate a portion of the easterly-westerly alley (16 feet in width) south of 5<sup>th</sup> Street, beginning at the south easterly corner of parcel 0201004103010 and extending westerly between parallel lines a distance of approximately 17.5 feet to the south westerly corner of said parcel; depicted in Exhibit -- A, attached hereto.

To the Honorable City Council  
City of Lorain, Ohio

Honorable Members:

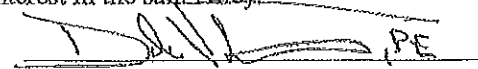
We, the undersigned property owner whose properties abuts the alley (16 feet in width) as described above, do hereby respectfully petition your Honorable Body to declare said alley portion vacated with reservations as stated below, as it is no longer needed for the purpose of a public alley.

It is understood and agreed by the undersigned parties that if the above petition is granted, and the said alley portion 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 alley whenever deemed necessary. It is also agreed that each half of the alley will revert to the respective abutting owners on each side of said alley, and that the Bank's interest in the property will immediately be deeded over to the adjoining owner through a separate agreement. It is further agreed that a forty-two (42) inch easement shall be created to provide a public walkway along the southern property line of the portion of property being deeded by the Bank to the adjoining property owner.

NOTE: The Signature of only one of the legal owners to the permanent parcel of land is required to qualify the parcel for the 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.

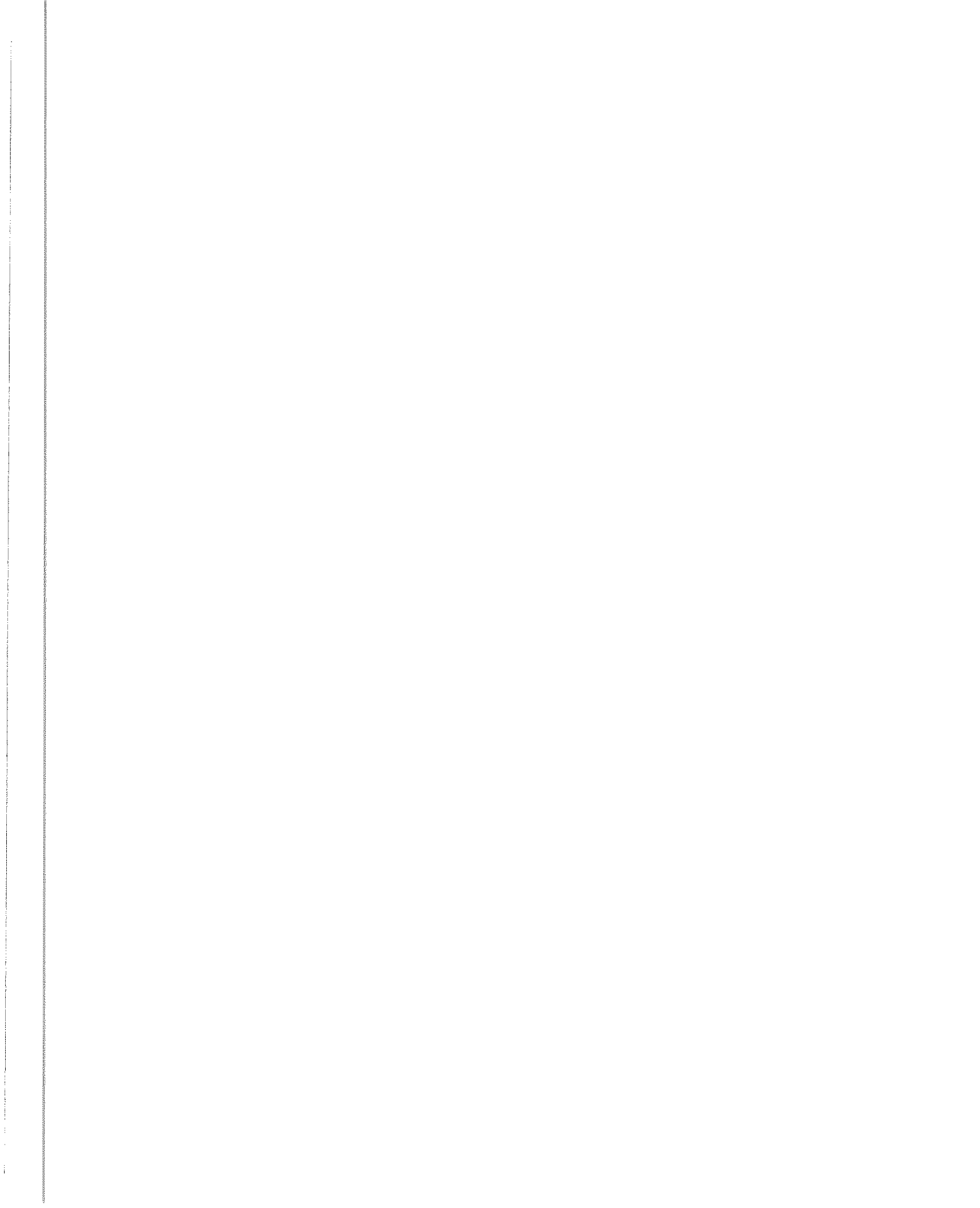
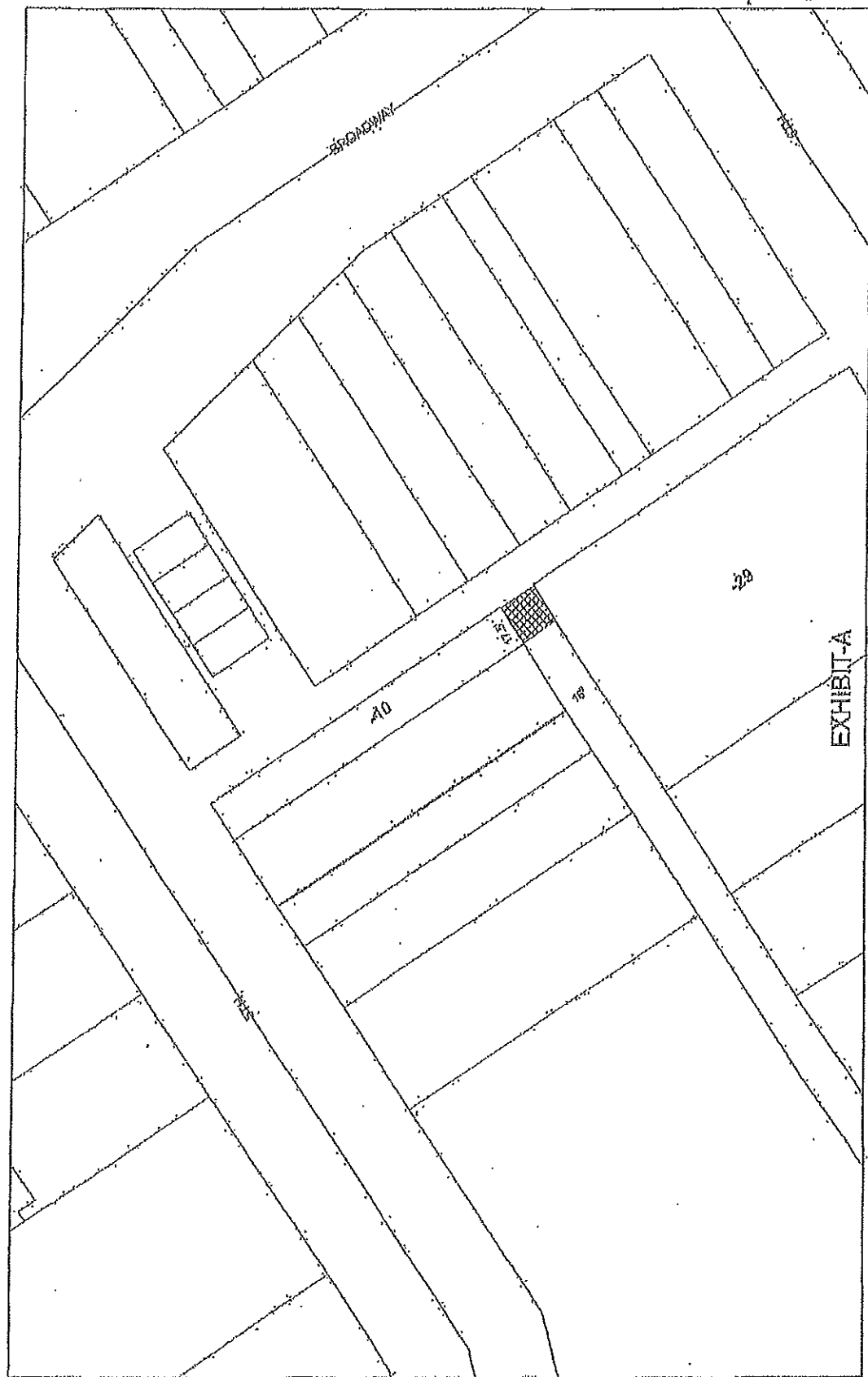
ENGINEER'S CERTIFICATION

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



City Engineer,  
City Engineering Dept.

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





CITY OF LORAIN

City Council Regular Meeting

9.g.

Meeting Date: 05/06/2019

Submitted by: Patrick Riley, Director of Law

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

AN ORDINANCE VACATING A PORTION OF THE EASTERLY-WESTERLY ALLEY (16 FEET IN WIDTH) SOUTH OF 5TH STREET, BEGINNING AT THE SOUTH EASTERLY CORNER OF PARCEL 0201004103010 AND EXTENDING WESTERLY BETWEEN PARALLEL LINES A DISTANCE OF APPROXIMATELY 17.5 FEET TO THE SOUTH WESTERLY CORNER OF SAID PARCEL; DEPICTED IN EXHIBIT - A, ATTACHED HERETO.

PURPOSE AND BACKGROUND:

This council finds that a petition signed by the owners of all property abutting upon a portion of the easterly-westerly alley (16 feet in width) south of 5th Street, beginning at the south easterly corner of parcel 0201004103010 and extending westerly between parallel lines a distance of approximately 17.5 feet to the south westerly corner of said parcel has been presented to this council, praying that said portion of the alley between the points be vacated.

RECOMMENDATION TO COUNCIL:

Lorain City Council consider passage

Attachments

Legislation
Exhibit A

Form Review

Inbox: Legal (Originator), Form Started By: Patrick Riley, Final Approval Date: 04/25/2019
Reviewed By: Patrick Riley
Date: 04/25/2019 11:13 AM
Started On: 04/24/2019 12:28 PM

Table with columns for names and AYE/NAY votes. Includes names like Fallis, Koziura, Springowski, Menley, Flores, Carter, Argenti, Moon, Arroyo, Faga, Thornsberry, Arredondo.



5TH

BROADWAY

6TH

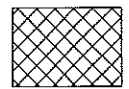
140.70'  
0201004103010

0201004103029

17.5'

16'

LORAIN COUNTY, OHIO  
LORAIN CITY  
ORIGINAL BLACK RIVER TWP.  
PART OF TRACT 01, ORIGINAL LOT 4  
CHAMBERLAIN, MUSSEY & EDISON ADDITION



ALLEY VACATED

EXHIBIT-A

NOT TO SCALE