

#00-00-000

BY: Mr. Simonovich

TEMP. NO. 7490

ORDINANCE NO. 61-2000

AN ORDINANCE TO VACATE AND APPORTION A 12' ALLEY LOCATED BETWEEN S/L 126 AND S/L 353 IN THE AVON POINT ALLOTMENT AND S/L 106 IN GAMELLIA SUBDIVISION NO. 6.

WHEREAS, the owners of S/L 353 and S/L 126 in the Avon Point Allotment, which abut public right-of-way identified as a 12' alley, which is 280' in length, located between the Avon Point Allotment platted in 1907 in the City of Avon Lake and Gamellia Subdivision No. 6 platted in 1992 in the City of Avon Lake, have petitioned to the City to vacate the 12' alley located between S/L 126 and S/L 353 in the Avon Point Allotment and S/L 106 in Gamellia Subdivision No. 6, and

WHEREAS, the Planning Commission did consider said petition aforementioned and did by affirmative vote recommend at its regular meeting of December 7, 1999, that said vacating should be granted, and

WHEREAS, this Council is satisfied that there is good cause for the vacating as prayed for and that such will not be detrimental to the general interest, safety and welfare, and that said vacation ought to be granted with certain conditions, now therefore;

BE IT ODAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the 12' alley located between S/L 126 and S/L 353 in the Avon Point Allotment and S/L 106 in Gamellia Subdivision No. 6, be and the same is hereby vacated reserving and excepting unto the City of Avon Lake an easement within said right-of-way for all public utilities, including water, sanitary and storm, sewers, electric for public utilities, including water, sanitary and storm sewers, electric, telephone or gas lines, and further restricting the right to erect any permanent structures thereon.

Section No. 2: That a 6' by 140' northern portion of the alley shall be apportioned to PP# 04-00-019-142-049 and PP# 04-00-019-142-098 and a 6' by 280' southern portion of the alley shall be apportioned to PP# 04-00-019-143-417.

vacation plat with the county recorder.

Section No. 4: 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 any of its committees which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 O.R.C.

Section No. 5: That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

1<sup>st</sup> reading: 2/14/00  
2<sup>nd</sup> reading: 2/28/00  
3<sup>rd</sup> reading:

PASSED: 3/13/00

*Robert P. Indolen*  
President of Council

POSTED: 3/17/00

3/13/00  
Approved

ATTEST: *Kathleen Lynch*

*Vincent M. Uebin*

I, Kathleen Lynch, Clerk of Council of the City of Avon Lake, do hereby certify that the foregoing is a true and accurate copy of Ordinance ~~Resolution~~ <sup>61-2000</sup> No.          passed on the 13 day of March, 2000 by said Council.

*Kathleen A. Lynch*  
Clerk of Council