

TAY 2000  
6

Sponsored by:  
COMMUNITY DEV.  
Richard P. Seward  
Charles O. Fair  
Robert H. Frederick

ORDINANCE NO. 78 - 233

AN ORDINANCE VACATING CAROL LANE  
AND HAWAII COURT LOCATED IN CHESTNUT  
RIDGE HEIGHTS SUBDIVISION NO. 3, AND  
DECLARING AN EMERGENCY.

WHEREAS, under the provisions of Section 723.05 of the Ohio Revised Code, when there is a good cause for vacating a street, no petition is required;

WHEREAS, this legislative body required the dedication of rights of way for Carol Lane and Hawaii Court as a part of Chestnut Ridge Heights Subdivision No. 3, and, now the said rights of way are preventing the filing of the plat for Chestnut Ridge Heights Subdivision No. 4;

WHEREAS, written consent of all the owners of the property abutting the streets proposed to be vacated is filed pursuant to Ohio Revised Code Section 723.06;

NOW, THEREFORE, be it ordained by the Council of the City of Elyria, State of Ohio:

SECTION 1: That the following described dedicated street, also known as Carol Lane be vacated, to wit:

Situated in the City of Elyria, County of Lorain, and State of Ohio, and being known as part of Original Carlisle Township Section 5 and bounded and described as follows:

Beginning at a point on the northerly line of Carol Lane, 60 feet wide, at the southeasterly corner of Sublot 89 in Chestnut Ridge Heights Subdivision No. 3, recorded in Volume 33, Pages 3 and 4 of the Lorain County Plat Records;

Thence South  $86^{\circ} 42' 39''$  East, along the northerly right-of-way line of Carol Lane, a distance of 160.32 feet to a point of curvature;

Thence in the arc of a curve which deflects to the left, a distance of 30.63 feet to a point of reverse curve; said curve having a radius of 50.00 feet, central angle of  $35^{\circ} 05' 48''$ , chord of 30.15 feet which bears North  $75^{\circ} 44' 27''$  East;

Thence in the arc of a curve which deflects to the right, a distance of 278.11 feet to a point of reverse curve; said curve having a radius of 60.00 feet, central angle of  $265^{\circ} 34' 32''$ , and a chord of 88.06 feet which bears South  $10^{\circ} 58' 49''$  West;

Thence in the arc of a curve which deflects to the left, a distance of 44.05 feet to a point of tangency; said curve having a radius of 50.00 feet, central angle of  $50^{\circ} 28' 44''$ , and a chord of  $61^{\circ} 28' 17''$  West;

(CONTINUED)

Thence North  $86^{\circ} 42' 39''$  West, along the southerly right-of-way line of Carol Lane, a distance of 138.72 feet to a point at the northeasterly corner of Sublot 100;

Thence North  $3^{\circ} 17' 21''$  East, a distance of 60.00 feet to the place of beginning;

Containing within said bounds 0.493 acres to be the same more or less, but subject to all legal highways.

SECTION 2: That the following described dedicated street, also known as Hawaii Court be vacated, to wit:

Situated in the City of Elyria, County of Lorain, State of Ohio, and being known as part of Original Carlisle Township Section 5 and bounded and described as follows:

Beginning at a point on the northerly right-of-way line of Hawaii Court at the southeasterly corner of Sublot 101 in Chestnut Ridge Heights Subdivision No. 3, recorded in Volume 33, Pages 3 and 4 of the Lorain County Plat Records;

Thence South  $86^{\circ} 42' 39''$  East, along the northerly right-of-way line of Hawaii Court, a distance of 171.57 feet to a point of curvature;

Thence in the arc of a curve which deflects to the right, a distance of 133.52 feet to a point of tangency; said curve having a radius of 85.00 feet, central angle of  $90^{\circ} 00' 00''$ , and a chord of 120.21 feet which bears South  $41^{\circ} 42' 39''$  East;

Thence South  $3^{\circ} 17' 21''$  West, a distance of 16.55 feet to a point of curvature;

Thence in the arc of a curve which deflects to the left, a distance of 37.82 feet to a point of reverse curve; said curve having a radius of 50.00 feet, central angle of  $43^{\circ} 20' 30''$ , and a chord of 36.93 feet which bears South  $18^{\circ} 22' 54''$  East;

Thence in the arc of a curve which deflects to the right, a distance of 279.27 feet to a point of reverse curve; said curve having a radius of 60.00 feet, central angle of  $266^{\circ} 41' 00''$ , and a chord of 87.27 feet which bears North  $86^{\circ} 42' 39''$  West;

Thence in the arc of a curve which deflects to the left, a distance of 37.82 feet to a point of tangency; said curve having a radius of 50.00 feet, central angle of  $43^{\circ} 20' 30''$ , and a chord of 36.93 feet which bears North  $24^{\circ} 57' 36''$  East;

Thence North  $3^{\circ} 17' 21''$  East, a distance of 16.55 feet to a point of curvature;

Thence in the arc of a curve which deflects to the left, a distance of 39.27 feet to a point of tangency; said curve having a radius of 25.00 feet, central angle of  $90^{\circ} 00' 00''$ , and a chord of 35.36 feet which bears North  $41^{\circ} 42' 39''$  West;

Thence North  $86^{\circ} 42' 39''$  West, along the southerly right-of-way line of Hawaii Court, a distance of 171.57 feet to a point at the northeasterly corner of Sublot 115;

Thence North  $3^{\circ} 17' 21''$  East, a distance of 60.00 feet to the place of beginning;

(CONTINUED)

Containing within said bounds 0.666 acres to be the same more or less, but subject to all legal highways.

SECTION 3. 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 action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is and is hereby declared to be an emergency measure, the emergency being the immediate necessity to provide for the public health, peace and welfare of the people of the City of Elyria, by providing for the vacation of Carol Lane and Hawaii Court; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval.

PASSED: 10/16/78

Richard P. Howard  
President of Council

ATTEST: Jack Smith  
Clerk of Council

APPROVED: 10-16-78

Marguerite J. Deussen  
MAYOR

DATE: 10-20-78

APPROVED AS TO FORM:

George H. Ferguson  
George H. Ferguson, Solicitor

CERTIFICATE OF PUBLICATION

THE UNDERSIGNED CLERK OF COUNCIL OF THE CITY OF ELYRIA, OHIO, HEREBY CERTIFY THAT THE FULL TEXT OF THE FOREGOING ORDINANCE, NO. 78-233 WAS POSTED IN THREE PLACES WITHIN THE CITY AS REQUIRED BY COUNCIL ORDER THAT SUCH PLACES WERE AS 10-23-78 CITY HALL, GENERAL ENGINEERING AND THE POLICE STATION, FOR A PERIOD OF THIRTY (30) DAYS TO BE FROM 10-23-78 TO 11-8-78

MADE: 11-10-78

Jack Smith  
CLERK OF COUNCIL  
CITY OF ELYRIA OHIO

WRITTEN CONSENT TO VACATE PARTS  
CAROL LANE AND HAWAII COURT

We, the undersigned, being all of the property owners of Chestnut Ridge Heights Subdivision No. 4, and whose property is abutting Carol Lane and Hawaii Court, hereby waive all notice of hearing to the vacation of said streets and give our consent to the vacation of the dedicated streets as per Sec. 723.06 of the Ohio Revised Code.

DATED this 26 day of September, 1978.

WITNESSES:

*J. G. Handelman*  
*David E. Meyer*

BROKERS FEDERAL MORTGAGE CORPORATION

BY: *David E. Meyer*  
David E. Meyer, President

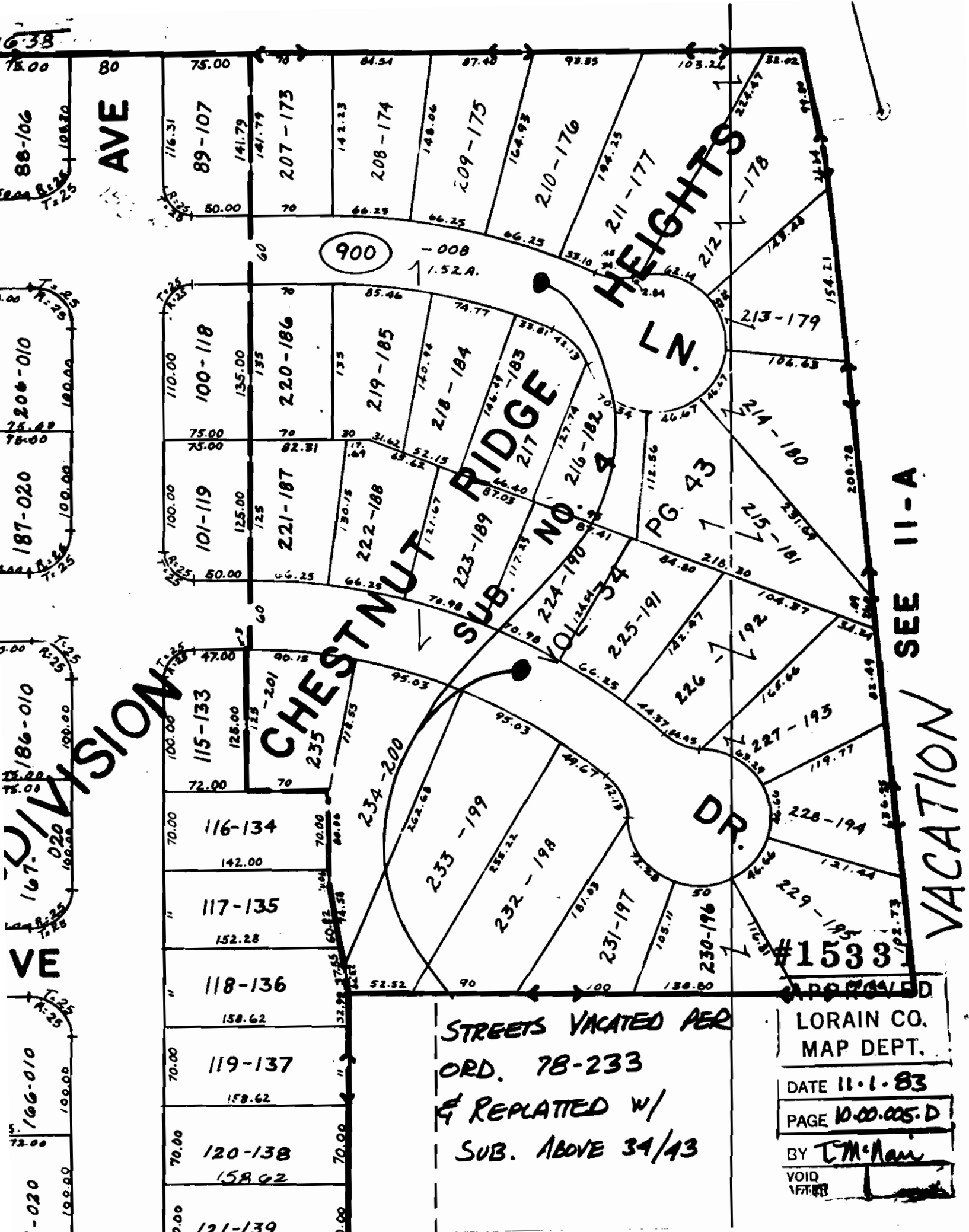
STATE OF OHIO,  
CUYAHOGA COUNTY, SS.

Before me, a Notary Public in and for said County and State, personally appeared the named Brokers Federal Mortgage Corporation, by David E. Meyer, President, who acknowledged that he did sign the foregoing instrument and the same is the free act and deed of said corporation, and the free act and deed of himself personally and as such officer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Cleveland, Ohio, this 26th day of September, 1978.

*Julius G. Handelman*  
NOTARY PUBLIC

JULIUS G. HANDELMAN  
Notary Public for Cuyahoga County, O.  
My Commission Expires Jan. 23, 1979



VACATION SEE 11-A

STREETS VACATED PER  
 ORD. 78-233  
 & REPLATED W/  
 SUB. ABOVE 34/43

APPROVED  
 LORAIN CO.  
 MAP DEPT.  
 DATE 11-1-83  
 PAGE 10-00-005-D  
 BY T.M. Han  
 VOID  
 WITHOUT

#1533