

Sponsored by:

ORDINANCE NO. 84- 7B

PASSED 4-2-84

Muni Util.
C. Fair
R. Reichard
S. Guinta
L. Bullocks

AN ORDINANCE VACATING THE TURNER STREET RIGHT-OF-WAY

WHEREAS, this Council is satisfied that there is good cause shown for the vacation of the Turner Street right-of-way, and that it will not be detrimental to the general interest and ought to be made;

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

SECTION 1: That the Turner Street right-of-way be and the same hereby is vacated. The description of said right-of-way is as follows:

TURNER STREET VACATION

Situated in the City of Elyria, County of Lorain, State of Ohio, and being known as Part of Original Elyria Township Lot No. 99, West of the Black River, further bounded and described as follows:

Beginning at the intersection of the centerline of Second Street with the centerline of West River Street as shown in the Centerline Survey Plat and recorded in Plat Volume 30, Pages 37 and 38, Lorain County Plat Records;

Thence Southerly in the arc of a curve in said centerline of West River Road, which deflects to the right, a distance of 106.94 feet to a point therein, said curve having a central angle of $08^{\circ} 33' 19''$, a radius of 716.20 feet, a tangent of 53.57 feet, and a chord of 106.84 feet which bears $S 18^{\circ} 50' 52'' E$;

Thence $S 76^{\circ} 00' 48'' W$ a distance of 24.23 feet in a line radial to the centerline of West River Road to a point, said point being the intersection of the westerly right-of-way line of West River Road with the southerly right-of-way line of Turner Street, and the northeasterly corner of lands conveyed to Paul T. Elek and Andrea K. Kordek as recorded in Deed Volume 1174 Page 927, Lorain County Deed Records, and also being the Principal Place of Beginning;

Thence $N 89^{\circ} 42' 25'' W$ a distance of 278.50 feet along said southerly line of Turner Street to the northwesterly corner of lands conveyed to Joseph and Francis Szuecs as recorded in Deed Volume 1010, Page 60, Lorain County Deed Records;

Thence $N 12^{\circ} 21' 50'' W$ a distance of 7.51 feet along a line radial to the centerline of Second Street, as shown in the Centerline Survey Plat, recorded in Plat Volume 30, Pages 37 and 38, Lorain County Plat Records to a point. Said point is 20.50' by radial measure from said centerline of Second Street;

Thence northeasterly in the arc of a curve which deflects to the left a distance of 113.37 feet to a point, said curve having a central angle of $04^{\circ} 28' 15''$, a radius of 1452.90 feet, a tangent of 56.71 feet and a chord of 113.34 feet which bears $N 75^{\circ} 23' 42'' E$;

Thence $N 73^{\circ} 09' 35'' E$ a distance of 79.77 feet to the Southwesterly corner of lands conveyed to Paul T. and Andrea K. Elek as recorded in Deed Volume 1321 Page 677, Lorain County Deed Records;

Thence $S 89^{\circ} 42' 25'' E$ a distance of 75.11 feet (76.00 feet recorded) along Elek's southerly line to Elek's southeasterly corner;

Thence $S 17^{\circ} 23' 13'' E$ a distance of 62.98 feet to the Principal Place of Beginning,

#15496

APPROVED
LORAIN CO.
MAP DEPT.
DATE 4-5-84
PAGE 6-117
BY T. McVain

Said parcel containing 0.254 acres, be it the same more or less, subject to all legal highways and the following driveway easement:

Beginning at the Principal Place of Beginning for the previously described parcel;

Thence N 89° 42' 25" W a distance of 132.00 feet along the southerly line of Turner Street to the northwesterly corner of lands conveyed to Paul T. Elek & Andrea K. Kordek as recorded in Deed Volume 1174, Page 927, Lorain County Deed Records to the Principal Place of Beginning for the driveway easement;

Thence N 16° 42' 25" W a distance of 46.22 feet along a line radial to the centerline of Second Street, as shown in the Centerline Survey Plat, recorded in Plat Volume 30, Pages 37 and 38, Lorain County Plat Records to a point. Said point is 20.5 feet by rectangular measurement from said centerline of Second Street;

Thence N 73° 09' 35" E a distance of 14.25 feet to a point;

Thence S 00° 17' 35" W a distance of 48.36 feet to the Principal Place of Beginning for the driveway easement,

Said easement containing 0.008 acres, be it the same, more or less, subject to all legal highways.

PARCEL "A"

Situated in the City of Elyria, County of Lorain, State of Ohio, and being known as Part of Original Elyria Township Lot No. 99, West of the Black River, further bounded and described as follows:

Beginning at the intersection of the centerline of Second Street with the centerline of West River Street as shown in the Centerline Survey Plat and recorded in Plat Volume 30, Pages 37 and 38, Lorain County Plat Records;

Thence southerly in the arc of a curve in said centerline of West River Road, which deflects to the right, a distance of 106.94 feet to a point therein, said curve having a central angle of 08° 33' 19", a radius of 716.20 feet, a tangent of 53.57 feet, and a chord of 106.84 feet which bears S 18° 50' 52" E;

Thence S 76° 00' 48" W a distance of 24.23 feet in a line radial to the centerline of West River Road to a point, said point being the intersection of the westerly right-of-way line of West River Road with the southerly right-of-way line of Turner Street, and the north-easterly corner of lands conveyed to Paul T. Elek and Andrea K. Kordek as recorded in Deed Volume 1174 Page 927, Lorain County Deed Records;

Thence N 89° 42' 25" W a distance of 245.50' along said right-of-way line of Turner Street to a point therein, said point being the Principal Place of Beginning;

Thence continuing N 89° 42' 25" W a distance of 33.00 feet along said right-of-way line of Turner Street to an angle point therein, said point also being the northwesterly corner of lands conveyed to Joseph and Francis Szuecs, as recorded in Deed Volume 1010, Page 60, Lorain County Deed Records;

Thence N 12° 21' 20" W a distance of 7.51 feet along a line radial to the centerline of Second Street, as shown in the Centerline Survey Plat, recorded in Plat Volume 30, Pages 37 and 38, Lorain County Plat Records, to a point. Said point is 20.50 feet by radial measure from said centerline of Second Street;

Thence northeasterly in the arc of a curve which deflects to the left a distance of 31.87 feet to a point, said curve having a central

angle of $01^{\circ} 15' 24''$, a radius of 1452.90 feet, a tangent of 15.93 feet, and a chord of 31.87 feet which bears $N 76^{\circ} 59' 48'' E$;

Thence $S 13^{\circ} 37' 14'' E$ a distance of 15.10 feet in a line radial to the centerline of Second Street, as previously described to the Principal Place of Beginning;

Said parcel containing 0.008 Acres of land, be it the same more or less, but subject to all legal highways.

PARCEL "B"

Situated in the City of Elyria, County of Lorain, State of Ohio, and being known as Part of Original Elyria Township Lot No. 99, West of the Black River, further bounded and described as follows:

Beginning at the intersection of the centerline of Second Street with the centerline of West River Street as shown in the Centerline Survey Plat and recorded in Plat Volume 30, Pages 37 and 38, Lorain County Plat Records;

Thence Southerly in the arc of a curve in said centerline of West River Road, which deflects to the right, a distance of 106.94 feet to a point therein, said curve having a central angle of $08^{\circ} 33' 19''$, a radius of 716.20 feet, a tangent of 53.57 feet, and a chord of 105.84 feet which bears $S 18^{\circ} 50' 52'' E$;

Thence $S 76^{\circ} 00' 48'' W$ a distance of 24.23 feet in a line radial to the centerline of West River Road to a point, said point being the intersection of the westerly right-of-line of West River Road with the southerly right-of-way line of Turner Street, and the northeasterly corner of lands conveyed to Paul T. Elek and Andra K. Kordek as recorded in Deed Volume 1174 Page 927, Lorain County Deed Records;

Thence $N 89^{\circ} 42' 25'' W$ a distance of 212.50 along said right-of-way line of Turner Street to the northwesterly corner of land conveyed to Alex and Julia Novak, as recorded in Deed Volume 1143, Page 101, Lorain County Deed Records, and the Principal Place of Beginning;

Thence continuing $N 89^{\circ} 42' 25'' W$ a distance of 33.00 feet along said right-of-way line of Turner Street to a point therein;

Thence $N 13^{\circ} 37' 14'' W$ a distance of 15.10 feet along a line radial to the centerline of Second Street as shown in the Centerline Survey Plat, recorded in Plat Volume 30, Pages 37 and 38, Lorain County Plat Records, to a point. Said point is 20.5 feet by radial measure from said centerline of Second Street;

Thence northeasterly in the arc of a curve which deflects to the left a distance of 31.53 feet to a point, said curve having a central angle of $01^{\circ} 14' 36''$, a radius of 1452.90 feet, a tangent of 15.76 feet and a chord of 31.53 feet which bears $N 75^{\circ} 45' 28'' E$;

Thence $S 14^{\circ} 51' 50'' E$ a distance of 23.38 feet in a line radial to said centerline of Second Street, as previously described, to the Principal Place of Beginning;

Said parcel containing 0.014 Acres of land, be it the same more or less, but subject to all legal highways.

PARCEL "C"

Situated in the City of Elyria, County of Lorain, State of Ohio, and being known as Part of Original Elyria Township Lot No. 99, West of the Black River, further bounded and described as follows:

Survey plat and recorded in Plat Volume 30, Pages 37 and 38, Lorain County Plat Records;

Thence Southerly in the arc of a curve in said centerline of West River Road, which deflects to the right, a distance of 106.94 feet to a point therein, said curve having a central angle of $08^{\circ} 33' 19''$, a radius of 716.20 feet, a tangent of 53.57 feet, and a chord of 106.84 feet which bears $S 18^{\circ} 50' 52'' E$;

Thence $S 76^{\circ} 00' 48'' W$ a distance of 24.23 feet in a line radial to the centerline of West River Road to a point, said point being the intersection of the westerly right-of-way line of West River Road with the southerly right-of-way line of Turner Street, and the northeasterly corner of lands conveyed to Paul T. Elek and Andrea K. Kordek as recorded in Deed Volume 1174 Page 927, Lorain County Deed Records;

Thence $N 89^{\circ} 42' 25'' W$ a distance of 132.00 feet along said right-of-way line of Turner Street to Elek and Kordek's northwesterly corner, said point being the Principal Place of Beginning;

Thence continuing $N 89^{\circ} 42' 25'' W$ a distance of 80.50 feet along said right-of-way line of Turner Street to the northwesterly corner of lands conveyed to Alex and Julia Novak as recorded in Deed Volume 1143, Page 101, Lorain County Deed Records;

Thence $N 14^{\circ} 51' 50'' W$ a distance of 23.38 feet in a line radial to the centerline of Second Street, as shown in the Centerline Survey Plat, recorded in Plat Volume 30, Pages 37 and 38, Lorain County Plat Records to a point. Said point is 20.50 feet by radial measure from said centerline of Second Street;

Thence northeasterly in the arc of a curve which deflects to the left a distance of 50.12 feet to a point, said curve having a central angle of $01^{\circ} 58' 56''$, a radius of 1452.90 feet, a tangent of 25.05 feet and a chord of 50.11 feet which bears $N 74^{\circ} 09' 06'' E$;

Thence $N 73^{\circ} 09' 35'' E$ a distance of 26.01 feet to a point;

Thence $S 16^{\circ} 50' 25'' E$ a distance of 46.22 feet in a line radial to said centerline of Second Street, as previously described, to the Principal Place of Beginning;

Said parcel containing 0.061 Acres of land, be it the same more or less, but subject to all legal highways.

PARCEL "D"

Situated in the City of Elyria, County of Lorain, State of Ohio, and being known as Part of Original Elyria Township Lot No. 99, West of the Black River, further bounded and described as follows:

Beginning at the intersection of the centerline of Second Street with the centerline of West River Street as shown in the Centerline Survey plat and recorded in Plat Volume 30, Pages 37 and 38, Lorain County Plat Records;

Thence Southerly in the arc of a curve in said centerline of West River Road, which deflects to the right, a distance of 106.94 feet to a point therein, said curve having a central angle of $08^{\circ} 33' 19''$, a radius of 716.20 feet, a tangent of 53.57 feet, and a chord of 106.84 feet which bears $S 18^{\circ} 50' 52'' E$;

Thence $S 76^{\circ} 00' 48'' W$ a distance of 24.23 feet in a line radial to the centerline of West River Road to a point, said point being the intersection of the westerly right-of-way line of West River Road with

the southerly right-of-way line of Turner Street, and the northeasterly corner of lands conveyed to Paul T. Elek and Andrea K. Kordek as recorded in Deed Volume 1174 Page 927, Lorain County Deed Records, and also being the Principal Place of Beginning;

Thence N 89° 42' 25" W a distance of 132.00 feet along said southerly line of Turner Street to Elek and Kordek's northwesterly corner;

Thence N 16° 50' 25" W a distance of 46.22 feet along a line radial to the centerline of Second street, as shown in the Centerline Survey Plat, recorded in Plat Volume 30, Pages 37 and 38, Lorain County Plat Records to a point. Said point is 20.50 by rectangular measure from said centerline of Second Street;

Thence N 73° 09' 35" E a distance of 53.76 feet to the southwesterly corner of lands conveyed to Paul T. and Andrea K. Elek as recorded in Deed Volume 1321 Page 677, Lorain County Deed Records;

Thence S 89° 42' 25" E a distance of 75.11 feet (76.00 feet recorded) along Elek's southerly line to Elek's southeasterly corner;

Thence S 17° 23' 13" E a distance of 62.98 feet to the Principal Place of Beginning,

Said parcel containing 0.171 acres, be it the same more or less, subject to all legal highways and the following driveway easement:

Beginning at the Principal Place of Beginning for the previously described parcel;

Thence N 89° 42' 25" W a distance of 132.00 feet along the southerly line of Turner Street to the northwesterly corner of lands conveyed to Paul T. Elek & Andrea K. Kordek as recorded in Deed Volume 1174, Page 927, Lorain County Deed Records to the Principal Place of Beginning for the driveway easement;

Thence N 16° 50' 25" W a distance of 46.22 feet along a line radial to the centerline of Second Street, as shown in the Centerline Survey Plat, recorded in Plat Volume 30, Pages 37 and 38, Lorain County Plat Records to a point. Said point is 20.5 feet by rectangular measurement from said centerline of Second Street;

Thence N 73° 09' 35" E a distance of 14.25 feet to a point;

Thence S 00° 17' 35" W a distance of 48.36 feet to the Principal Place of Beginning for the driveway easement,

Said easement containing 0.008 acres, be it the same, more or less, subject to all legal highways.

SECTION 2: That the full area of vacation shall remain subject to an easement to the City for storm sewer and/or drainage purposes.

SECTION 3: That the lands within the limits of said street right-of-way, as they are now established, shall remain notwithstanding the passage of this Ordinance, subject to the rights of utilities now maintaining said lands, to continue to maintain such structures, fixtures and appurtenances, and to enter upon said lands whenever reasonably necessary to do so for the purpose of inspecting, altering, replacing, repairing, patrolling and maintaining such structures, fixtures and appurtenances.

SECTION 4: That portion of the street hereby vacated shall revert entirely to the property owners on the South side of the street, as to Parcels A, B and C; and the portion of the street hereby vacated shall revert one-half (1/2) to the adjoining property owners on the North side of the street, namely, Paul T. Elek and Andrea K. Kordek, and one-half (1/2) to the property owners on the South side of the street, who are also Paul T. Elek and Andrea K. Kordek, as to Parcel D only, subject to access rights for all properties abutting the street herein vacated.

SECTION 5: 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 6: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____ Richard P. Seward, President

ATTEST: _____ APPROVED: _____
Jack Lesnick, Clerk

Michael B. Keys, Mayor

DATE: _____

Approved as to form:
George H. Ferguson, Solicitor
George H. Ferguson, Solicitor

JAG

CERTIFICATE OF PUBLICATION

I, THE UNDERSIGNED CLERK OF COUNCIL OF THE CITY OF ELYRIA, OHIO, HEREBY CERTIFY THAT THE FULL TEXT OF THE FOREGOING ORDINANCE NO. _____ WAS POSTED IN THREE PLACES WITHIN THE CITY AS DETERMINED BY COUNCIL, AND THAT SUCH PLACES WERE AS FOLLOWS: CITY HALL, CENTRAL FIRE STATION AND THE POLICE STATION, FOR A PERIOD OF FOURTEEN (14) DAYS, TO-WIT, FROM _____ TO _____

DATED: _____

CLERK OF COUNCIL
CITY OF ELYRIA, OHIO

SECTION 4: That the portion of the street hereby vacated shall revert one-half (1/2) to the adjoining property owners on the North side of the street, and one-half (1/2) to the property owners on the South side of the street, subject to access rights for all properties abutting the street herein vacated.

SECTION 5: 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 6: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____
Richard P. Seward, President

ATTEST: _____
Jack Lesnick, Clerk

APPROVED: _____

Michael B. Keys, Mayor

DATE: _____

Approved as to form:

George H. Ferguson, 1/24/24
George H. Ferguson, Solicitor

JAG

CERTIFICATE OF PUBLICATION

I, THE UNDERSIGNED CLERK OF COUNCIL OF THE CITY OF ELYRIA, OHIO, HEREBY CERTIFY THAT THE FULL TEXT OF THE FOREGOING ORDINANCE NO. _____ WAS POSTED IN THREE PLACES WITHIN THE CITY AS DETERMINED BY COUNCIL, AND THAT SUCH PLACES WERE AS FOLLOWS: CITY HALL, CENTRAL FIRE STATION AND THE POLICE STATION, FOR A PERIOD OF FOURTEEN (14) DAYS, TO-WIT, FROM _____ TO _____.

DATED: _____

CLERK OF COUNCIL
CITY OF ELYRIA, OHIO