

ORDINANCE NO. 8419

AN ORDINANCE ACCEPTING CERTAIN REAL PROPERTY CONVEYED TO THE CITY OF LORAIN FOR THE PURPOSE OF WIDENING, STRAIGHTENING AND DEEPENING THE BLACK RIVER CHANNEL IN THE CITY OF LORAIN, AND AUTHORIZING THE CONVEYANCE OF A PERPETUAL RIGHT OF WAY EASEMENT TO THE UNITED STATES OF AMERICA.

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

SECTION 1: That the following described real estate conveyed by the New York, Chicago, St. Louis Railroad, Nickel Plate Division, to the City of Lorain, for the purpose of straightening, widening and deepening of the Black River Channel in the City of Lorain, be accepted and dedicated to public use:

"Situate in the City of Lorain, County of Lorain, State of Ohio, being in Original Black River Township Lot No. 3 (Three), Tract No. 1 (One), being part of Original Sheffield Township Lot No. 52 (Fifty Two), and being a portion of the premises conveyed by Deed dated January 25, 1957 from Georgia S. Stone to The New York, Chicago and St. Louis Railroad Company, recorded in Volume 687, Page 364 of Lorain County Deed Records, said parcel of land being more particularly described and bounded as follows:

Commencing at an iron pin at the Northeast corner of said Lot No. 52 (Fifty Two);

Thence North eighty eight degrees thirteen minutes sixteen seconds ($88^{\circ} 13' 16''$) West along the northerly line of said Lot No. 52 (Fifty Two), a distance of one thousand three hundred twenty five and twenty two one-hundredths (1325.22) feet, more or less, to the Northeast corner of Parcel No. 2 described in the Deed to Wilfred Couture and Louise M. Couture, dated June 10, 1952, and recorded in Volume 547, Page 79 of Lorain County Deed Records:

Thence South ten degrees eighteen minutes forty two seconds ($10^{\circ} 18' 42''$) West along the Easterly line of said land so conveyed to Wilfred Couture and Louise M. Couture as aforesaid, a distance of six hundred twenty and six one-hundredths (620.06) feet, more or less, to the Southeast corner thereof, marked by an iron pin;

Thence South eighty two degrees thirty five minutes twenty five seconds ($82^{\circ} 35' 25''$) West along the Southerly line of said land so conveyed to Wilfred Couture and Louise M. Couture as aforesaid, a distance of five hundred forty six and thirty one hundredths (546.30) feet, more or less, to a point in a Dock Line of the Black River established by City of Lorain Ordinance No. 845, passed August 1, 1904, said point also being existing point No. 121-C in the existing dockline of the City of Lorain, said dockline point No. 121-C having a coordinate (related to U. S. Government Coordinate System) of N 3482.91 and E 8353.51 and being the point of beginning for the parcel of land herein described;

Thence South eleven degrees fifty one minutes forty eight seconds ($11^{\circ}51'48''$) West along the property line of premises conveyed as aforesaid to the New York, Chicago and St. Louis Railroad Company, a distance of forty seven (47) feet to dock point No. 123 whose coordinate is N 3436.91 and E 8343.85;

Thence South thirty one degrees twenty one minutes forty three seconds ($31^{\circ}21'43''$) West along said property line and the existing dockline a distance of three hundred sixty two and four one hundredths (362.04) feet to point No. 123-A whose coordinate is N 3127.77 and E 8155.43;

Thence South three degrees fifteen minutes twenty eight seconds ($3^{\circ}15'28''$) East along said property line a distance of one hundred sixteen and eighty four one hundredths (116.84) feet to point No. 125-A whose coordinate is N 3011.12 and E 8162.07;

Thence South twenty two degrees forty one minutes one second ($22^{\circ}41'01''$) East along said property line, a distance of two hundred sixty two and fifty eight one hundredths (262.58) feet to point No. 125-B whose coordinate is N 2768.86 and E 8263.33;

Thence South forty two degrees twenty minutes fifty three seconds ($42^{\circ}20'53''$) East along said property line, a distance of one hundred thirteen and forty one hundredths (113.40) feet to point No. 127-A whose coordinate is N 2685.05 and E 8339.72;

Thence South sixty eight degrees forty three minutes fifty six second ($68^{\circ}43'56''$) East along said property line, a distance of two hundred nineteen and twenty four one hundredths (219.24) feet to point No. 127-B whose coordinate is N 2605.52 and E 8544.03;

Thence South eighty two degrees fifty seven minutes fifty two seconds ($82^{\circ}57'52''$) East along said property line, a distance of one hundred ninety five and fifty two one hundredths (195.52) feet to point No. 129-A whose coordinate is N 2581.57 and E 8738.07;

Thence North eighty one degrees forty three minutes twenty six seconds ($81^{\circ}43'26''$) East along said property line, a distance of three hundred seventy three and forty six one hundredths (373.46) feet, more or less, but to the west line of Henderson Drive;

Thence northerly in the west line of Henderson Dr., a distance of thirty three and eighty three one hundredths (33.83) feet, more or less, to proposed point No. 129-C whose coordinate is N 2669.15 and E 9108.49;

Thence South seventy nine degrees fifty three minutes thirty nine seconds ($79^{\circ}53'39''$) West, a distance of thirty six and fifteen one hundredths (36.15) feet to proposed point No. 129-B whose coordinate is N 2662.81 and E 9072.90;

Thence North eighty two degrees forty four minutes twenty three seconds ($82^{\circ}44'23''$) West, a distance of three hundred seventy one and seventy six one hundredths (371.76) feet to proposed point No. 127-C whose coordinate is N 2709.79 and E 8704.12;

Thence North sixty three degrees twenty six minutes sixteen seconds ($63^{\circ}26'16''$) West, a distance of three hundred seventy one and seventy six one hundredths (371.76) feet to proposed point No. 125-C whose coordinate is N 2876.025 and E 8371.61;

Thence North one degree sixteen minutes thirty six seconds ($1^{\circ} 16' 36''$) East, a distance of six hundred eleven and twelve one hundredths (611.12) feet to a point in the property line between the Lorain Elyria Sand Company and The New York, Chicago and St. Louis Railroad Company;

Thence South eighty two degrees thirty eight minutes forty eight seconds ($82^{\circ} 38' 48''$) West, a distance of thirty one and ninety eight one hundredths (31.98) feet to point No. 121-C and the place of beginning, containing four and six thousand three hundred seventy ten thousandths (4.6370) acres, more or less, of which five thousand seven hundred fifty six ten thousandths (0.5756) of an acre is inundated acreage, be the same more or less but subject to all legal highways.

So much of the land above described as is in Original Sheffield Township Lot No. 52 (Fifty two) is now in existing Black River Township Lot No. 52 (Fifty Two). "

SECTION 2: That the Mayor and Director of Public Service be and they are hereby authorized and directed to convey by instrument the perpetual right of way easement to the United States of America to enter upon, dig or cut away or remove any or all of the above described tract of land as may be required for the construction and maintenance of the widening, straightening, deepening and enlarging of the Black River Channel, and to maintain the portion cut away and removed as a part of the navigable waters of the United States.

SECTION 3: That the following described real estate is granted unto the United States of America as an easement of limited duration for slope purposes and if bulkhead protection should ever be emplaced in and across the premises described, then the grant of easement shall forthwith cease and determine the rights herein granted to the United States of America shall automatically revert to the grantor, its successors and assigns, the City of Lorain, wherein being only an intermediary in said transaction in payment of the consideration of and guaranteeing the title thereto subject to the mortgage of the Morgan Guaranty and Trust Company:

Situate in the City of Lorain, County of Lorain, State of Ohio, being a part of Lot No. 52 (fifty two) in Black River Township (formerly being in Original Sheffield Township Lot No. 52 (fifty two), Tract No. 1 (one), being five (5) consecutively contiguous strips of land, hereinafter described and called Parcel No. 1, Parcel No. 2, Parcel No. 3, Parcel No. 4 and Parcel No. 5;

Parcel No. 1

A strip of land, ten (10) feet in width between parallel northeasterly and southwesterly lines, whose southwesterly line extends northwesterly along the proposed easterly dock line of the Black River from a point on said dock line which is one hundred (100) feet southeasterly, measured along said dock line, from point No. 127-C in said Dock line, to said point No. 127-C, and thence continues northwesterly along said dock line for a distance of one hundred forty (140) feet to its most northerly extremity.

Parcel No. 2

A strip of land, twenty (20) feet in width between parallel northeasterly and southwesterly lines, whose southwesterly line extends northwesterly along the proposed easterly dock line of the Black River from the most northerly extremity of the southwesterly line of Parcel No. 1 above described, a distance of two hundred thirty one and seventy six one hundredths (231.76) feet to point No. 125-C in said dock line.

Parcel No. 3

A strip of land, ten (10) feet in width between parallel easterly and westerly lines, whose westerly line extends northerly along the proposed easterly dock line of the Black River from point No. 125-C in said dock line, a distance of one hundred forty six (146) feet, as measured along said dock line, to its most northerly extremity.

Parcel No. 4

A strip of land, fifteen (15) feet in width between parallel easterly and westerly lines, whose westerly line extends northerly along the proposed easterly dock line of the Black River from the most northerly extremity of the westerly line of parcel No. 3 above described a distance of one hundred (100) feet to its most northerly extremity.

Parcel No. 5

A strip of land, ten (10) feet in width between parallel easterly and westerly lines, whose westerly line extends northerly along the proposed easterly dock line of the Black River from the most northerly extremity of the westerly line of Parcel No. 4 above described, a distance of three hundred sixty five and twelve one hundredths (365.12) feet to a northerly line of property conveyed to Grantor herein, by Deed dated January 25, 1957, and recorded in Volume 687, page 364 of Lorain County Deed Records.

Containing thirty one one hundredths (0.31) of an acre, be the same more or less. Said five parcels of land are shown shaded in green on Grantor's print of plan, dated August 20, 1962, attached hereto and made a part hereof, and are portions of the premises conveyed by the aforementioned Deed of January 25, 1957."

SECTION 4: That the Clerk of this City Council be and he is hereby directed to forward a certified copy of this Ordinance upon its passage and acceptance to T. D. Gillett, Industrial Agent, New York, Chicago, St. Louis Railroad Company, Terminal Tower, Cleveland 1, Ohio.

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

PASSED: Jan 27 1963

ATTEST: Frank J. Gace
Clerk of Council

Edward Novack
President of Council

APPROVED: January 27, 1963

Woodrow Mathias
Mayor