

sponsored by:

ORDINANCE NO. 86-166

Com. Dev.

- C. Fair
- R. Roth
- T. Shores
- L. Tanner

AN ORDINANCE VACATING A PORTION OF THE KENYON AVENUE RIGHT OF WAY.

WHEREAS, this Council is satisfied that there is good cause shown for the vacation of a portion of the Kenyon Avenue 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 a portion of the Kenyon Avenue right-of-way be and the same hereby is vacated. The description of said right-of-way is as follows:

PORTION OF KENYON AVENUE

Situated in the City of Elyria, County of Lorain, State of Ohio, being known as part of Original Elyria Township Lots Nos. 75 and 76, East of Black River, and more definitely described as follows:

Beginning in the Westerly sideline of Park Avenue at the southeasterly corner of Sublot No. 1288 in Eastern Heights Land Company's Subdivision No. 5, as recorded in Volume 8, Page 41 of Lorain County Plat Records;

Thence Westerly in the southerly line of Sublots Nos. 1288, 1287, 1286, 1285, and 1284 in Eastern Heights Land Company's Subdivision No. 5, a distance of 300 feet to a point in the westerly line of said Subdivision;

Thence Southerly in the westerly line of said Subdivision, a distance of 50 feet to the northwesterly corner of Sublot No. 1283 in Eastern Heights Land Company's Subdivision No. 5;

Thence Easterly in the northerly line of Sublots Nos. 1283, 1282, 1281, 1280, and 1279 in said Subdivision, a distance of 300 feet to a point in the westerly sideline of Park Avenue;

Thence Northerly in the westerly sideline of Park Avenue, a distance of 50 feet to the place of beginning;

Enclosing a parcel containing 0.344 acre, but subject to all legal highways.

SECTION 2: That the City reserves unto itself an easement upon said property for utility purposes, together with rights of entry and all other things necessary for its utility easement purposes, including maintenance of current utilities, together with the right to enter upon said property for construction and maintenance of new and future utilities. The erection of any structures upon this property by any person except the City is expressly forbidden.

#17023

APPROVED	
LORAIN CO.	
MAP DEPT.	
DATE	9.17.86
PAGE	6.121
BY	T. McMain
VOID AFTER	

CERTIFICATION

I HEREBY CERTIFY THAT THIS IS AN EXACT AND TRUE COPY OF Ordinance No. 86-166

Jack Lesnick
JACK LESNICK, CLERK OF COUNCIL
CITY OF ELYRIA, OHIO

9/16/86
DATE

SECTION 3: That the full area of vacation shall remain subject to an easement to the City for storm sewer and/or drainage purposes, as well as future like uses, including sanitary sewers.

SECTION 4: 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 maintained on 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 5: That portion of the street hereby vacated and further described as Parcel A shall revert entirely to the abutting property owner on the East side of the streets, that being Elyria Memorial Hospital.

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: 9/15/86

Richard P. Seward
Richard P. Seward, President

ATTEST: Jack Lesnick
Jack Lesnick, Clerk

APPROVED: 9/15/86

Michael B. Keys
Michael B. Keys, Mayor

DATE: 9-16-86

Approved as to form:
Terry S. Shilling
Terry S. Shilling, Solicitor

