

ORDINANCE NO. 07-24

AN ORDINANCE TO VACATE, WITHOUT PETITION, THE EASTERLY/WESTERLY ALLEY (16 FEET IN WIDTH) BETWEEN THE NORTH PROPERTY LINE OF 1059 HAMILTON AVENUE AND THE SOUTH PROPERTY LINE OF PARCEL 02-01-006-118-003 BEGINNING AT THE EASTERN RIGHT OF WAY LINE OF HAMILTON AVENUE AND EXTENDING EASTERLY 100 FEET AS DEPICTED IN **EXHIBIT - A**, ATTACHED HERETO.

WHEREAS, Council is of the opinion that there is good cause for vacating, under Section 723.05, Ohio Revised Code, the easterly/westerly alley (16 feet in width) between the north property line of 1059 Hamilton avenue and the south property line of parcel 02-01-006-118-003 beginning at the eastern right of way line of Hamilton avenue and extending easterly 100 feet as depicted in Exhibit - A, attached hereto, and that such vacation will not be detrimental to the general interest; and

WHEREAS, following advertisement in a newspaper of general circulation in Lorain, Ohio for six consecutive weeks prior to action being taken and a Public Hearing was held in accordance with State Statutes.

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

SECTION I: That the easterly/westerly alley (16 feet in width) between the north property line of 1059 Hamilton avenue and the south property line of parcel 02-01-006-118-003 beginning at the eastern right of way line of Hamilton avenue and extending easterly 100 feet as depicted in **Exhibit - A**, attached hereto, be and the same is vacated, subject however to the City of Lorain reserving to itself and others, easement rights to construct or maintain sanitary sewer conduits, storm sewer conduits, water conduits, gas conduits, electric conduits, fire alarm system conduits, telephone and electric pole transmission lines and other similar facilities under or above said alley whenever deemed necessary.


SECTION II: That it is agreed that each one-half of the alley portion will revert to the respective abutting owner on each side of said alley.


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

PASSED: May 20, 2024

ATTEST: Breanna Dull, CLERK

APPROVED: May 20, 2024

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL  
  
\_\_\_\_\_  
MAYOR

  
I, BREANNA E. DULL, CLERK OF COUNCIL OF THE CITY OF LORAIN, OHIO, CERTIFY THE FOREGOING IS A TRUE AND ACCURATE COPY OF Ord # 07-24 PASSED ON THE 20 DAY OF May, 2024 BY COUNCIL AND TAKEN FROM THE RECORDS IN THE OFFICE OF THE CLERK.  
Aug 21, 2024 Breanna Dull  
DATE CLERK OF COUNCIL

PETITION TO VACATE

PETITION TO VACATE THE EASTERLY/WESTERLY ALLEY (16 FEET IN WIDTH) BETWEEN THE NORTH PROPERTY LINE OF 1059 HAMILTON AVENUE AND THE SOUTH PROPERTY LINE OF PARCEL 02-01-006-118-003 BEGINNING AT THE EASTERN RIGHT OF WAY LINE OF HAMILTON AVENUE AND EXTENDING EASTERLY 100 FEET AS DEPICTED IN **EXHIBIT – A**, ATTACHED HERETO.

To the Honorable City Council  
City of Lorain, Ohio

Honorable Members:

We, the undersigned property owners whose properties abut the alley as described above, do hereby respectfully petition your Honorable Body to declare said alley vacated with reservations as stated below, as it is no longer needed for the purpose of a public alley.

It is understood and agreed by the undersigned parties that if the above petition is granted, and the said alley portion declared vacated, that the City of Lorain, Ohio reserves to itself and others, easement rights to construct or maintain sanitary sewer conduits, storm sewer conduits, water conduits, gas conduits, electric conduits, fire alarm system conduits, telephone and electric pole transmission lines and other similar facilities under, or above said alley whenever deemed necessary. It is also agreed that each one half of the alley will revert to the respective abutting owners on each side of said alley.

NOTE: The signature of only one of the legal owners to the permanent parcel of land is required to qualify the parcel for this petition. All of the legal owners should sign whenever possible however, each must sign individually and on separate lines. The signature of Mr. and Mrs. J. Doe or John and Mary Doe, etc., are not acceptable. Property under transfer or land contract should be signed by both the Seller (Grantor) and the Purchaser (Grantee). All signatures should be in ink. Opposite the signature, designate the lot number and Street frontage.

ENGINEER'S CERTIFICATION

The signed frontage on this petition represents \_\_\_\_\_ percent of the frontage of the frontage owning lots in the immediate vicinity and, or abutting the portion of the alley prayed to be vacated who have an interest in the said alley.

\_\_\_\_\_  
City Engineer  
City Engineering Dept.

To Council: \_\_\_\_\_  
Date

C: FN 292A

**EXHIBIT A**

**(Portion of Alley to be vacated outlined in blue)**



## SIGNATURE PAGE

Owner	Address	Parcel No.	Signature
COLI LIZ	1059 HAMILTON AVE.	0201006118009	x _____
RAMOS RIOS ALEX JAVIER	HAMILTON AVE.	0201006118003	x _____



## CITY OF LORAIN

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### City Council Regular Meeting

10. i.

**Meeting Date:** 05/20/2024

**Submitted by:** Breanna Dull, Clerk of Council

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#### **AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE**

AN ORDINANCE TO VACATE, WITHOUT PETITION, THE EASTERLY/WESTERLY ALLEY (16 FEET IN WIDTH) BETWEEN THE NORTH PROPERTY LINE OF 1059 HAMILTON AVENUE AND THE SOUTH PROPERTY LINE OF PARCEL 02-01-006-118-003 BEGINNING AT THE EASTERN RIGHT OF WAY LINE OF HAMILTON AVENUE AND EXTENDING EASTERLY 100 FEET AS DEPICTED IN **EXHIBIT – A**, ATTACHED HERETO.

#### **PURPOSE AND BACKGROUND:**

WHEREAS, Council is of the opinion that there is good cause for vacating, under Section 723.05, Ohio Revised Code, the easterly/westerly alley (16 feet in width) between the north property line of 1059 Hamilton avenue and the south property line of parcel 02-01-006-118-003 beginning at the eastern right of way line of Hamilton avenue and extending easterly 100 feet as depicted in Exhibit – A, attached hereto, and that such vacation will not be detrimental to the general interest; and

WHEREAS, following advertisement in a newspaper of general circulation in Lorain, Ohio for six consecutive weeks prior to action being taken and a Public Hearing was held in accordance with State Statutes.

It is agreed that each one-half of the alley portion will revert to the respective abutting owner on each side of said alley.

#### **RECOMMENDATION TO COUNCIL:**

Lorain City Council consider for passage.

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#### **Attachments**

Ordinance

Ex A

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#### **Form Review**

**Inbox**

P. Riley

Form Started By: Breanna Dull

Final Approval Date: 05/16/2024

**Reviewed By**

Michele Beko

**Date**

05/16/2024 12:03 PM

Started On: 05/16/2024 09:21 AM

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
SPRINGOWSKI	✓		Nutt		
Dimacchia	Absent		Moon		
DuVall			Baez		
Henley			Spellacy		
Kempton			Thornsberry		
Carter			Arredondo		