

ORDINANCE NO. 92-131

Sponsored by:

AN ORDINANCE VACATING FRESNO COURT, IN THE CITY OF ELYRIA, OHIO, AND DECLARING AN EMERGENCY.

COMM. DEV.

- T. Shores
- R. Reichard
- L. Tanner
- M. Ferguson

WHEREAS, this Council is satisfied that there is good cause shown for the vacation of Fresno Court, as described below, and that it will not be detrimental to the general interest and ought to be made; and

WHEREAS, Section 723.05 Ohio Revised Code empowers the Council to vacate a street; and

WHEREAS, Section 913.01 Codified Ordinances of the City of Elyria, Ohio empowers the Council to vacate a street; and

WHEREAS, Section 913.05, Codified Ordinances of the City of Elyria, Ohio, provides that notice of the intention of Council to vacate any street shall be given as provided in Section 913.04, except when written consent to such vacation is filed with Council by the owners of the property abutting the part of the street proposed to be vacated, in which case such notice shall not be given; and

WHEREAS, Highland Development Co. as represented by its President, Dale Yost, is the abutting property owner and Council has his written consent for the vacation.

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

SECTION 1: That the section of Fresno Court from Bridgeport Drive to its easterly terminus abutting sublots nos. 107, 108, 109, and 110, all sublots in University Oaks Subdivision No. 3 as recorded in Volume 47, Page 8 and 9 of Lorain County Plat Records, be and the same hereby is vacated.

The description of said Fresno Court is as follows:

Situated in the City of Elyria, County of Lorain, State of Ohio, being known as part of University Oaks Subdivision No. 3, as recorded in Plat Volume 47, Pages 8 and 9 of Lorain County Plat Records, and more definitely described as follows:

Commencing at the southwesterly corner of Sublot 108 in said subdivision;

Thence North 0 degrees 14' 52" East along the westerly line of Sublot 108, a distance of 65.00 feet to the point of beginning of this description;

Thence North 0 degrees 14' 52" East, a distance of 110.00 feet to a point;

Thence in the arc of a curve which bears to the south and east, a distance of 39.27 feet to its point of tangency; said curve having a radius of 25.00 feet, a central angle of 90 degrees 0' 0", and a chord of 35.36 feet which bears South 44 degrees 45' 8" East;

Thence South 89 degrees 45' 8" East along the southerly line of Sublot 107 and its easterly extension, a distance of 105.00 feet;

Thence South 0 degrees 14' 52" West along the easterly terminus of Fresno Lane, a distance of 60.00 feet to a point;

Thence North 89 degrees 45' 8" West along the northerly line of Sublot 108 and its easterly extension, a distance of 105.00 feet to a point of curvature;

Thence along the arc of a curve which deflects to the south and west, a distance of 39.27 feet to its point of tangency; said curve has a radius of 25.00 feet, a central angle of 90 degrees 0' 0", and a chord of 35.36 feet bearing South 45 degrees 14' 52" West to the point of beginning of this description.

Enclosing a parcel containing 8,068.02 square feet (0.1852 acres), but subject to all legal highways.

SECTION 2: That the section of Fresno Court described in Section 1 is hereby vacated and title thereto shall revert entirely to the abutting property owner on either side of said vacated section of Fresno Court.

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 actions, 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 shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 7/13/92

Shirley G. Guinta  
Shirley G. Guinta, President

ATTEST: Jack Lesnick  
Jack Lesnick, Clerk

APPROVED: 7/13/92

Michael B. Keys  
Michael B. Keys, Mayor

DATE: 7-15-92

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

CERTIFICATE OF PUBLICATION

I, THE UNDERSIGNED CLERK OF COUNCIL OF THE CITY OF ELYRIA, OHIO, HEREBY CERTIFY THAT THE FULL TEST OF THE FOREGOING ORDINANCE NO. 92-\_\_\_\_\_ 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