

RESOLUTION NO. 94-279

In the matter of granting alley vacation)
located in Broadway Gardens Allotment,)
Original Lot 113, between Toledo Avenue) April 7, 1994
and Glantz Drive, Sheffield Township,)
Lorain County, Ohio.)

WHEREAS, after due and legal advertising and personal notice this is the day fixed for the public hearing on vacating an alley located in Broadway Gardens Allotment, Original Lot 113, between Toledo Avenue and Glantz Drive, Sheffield Township, Lorain County, Ohio; and

WHEREAS, there are fourteen (14) sublots of land that will be affected by the vacation, involving nine (9) abutting property owners, of which five (5) have signed the petition; and

WHEREAS, property owners did not express objection to this vacation.

WHEREAS, notices were forwarded to Utility Companies, with Columbia Gas responding their have no objection to this vacation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lorain County, Ohio, that we do and hereby determine and authorize the vacation of the following described alley:

"Beginning at a point on the easterly right-of-way line of Toledo Avenue where it intersects the southerly line of Sublot Number 246 of said Broadway Gardens Allotment;

Thence easterly a distance of about 443.21 feet along the southerly line of said Sublot Number 246 to the southeasterly corner of said Sublot Number 246;

Thence southerly along the westerly line of Hill's Allotment as recrded in Plat Volume 19, Page 7 of the Lorain County Records of Plats a distance of about 266.00 feet to a point on the northerly right-of-way line of Glantz Drive;

Thence westerly along the northerly right-of-way line of Glantz Drive a distance of about 55.22 feet to a point on the southerly line of Sublot Number 245 of said Broadway Gardens Allotment;

Thence northeasterly along the southerly line of said Sublot Number 245 on an arc with a radius of 16.29 feet a distance of about 36.80 feet to a point on the easterly line of said Sublot Number 245;

Thence northerly along the easterly lines of Sublots Numbers 245 and 244 of said Broadway Gardens Allotment a distance of about 211.56 feet to a point on the northerly line of Sublot Number 244;

Thence westerly a distance of about 438.55 feet to a point on the northerly line of Sublot Number 238 of said Broadway Gardens Allotment where it intersects with the easterly right-of-way line of Toledo Avenue;

Thence northerly along the easterly right-of-way line of Toledo Avenue a distance of about 16 feet to the point of beginning previously described.

BE IT FURTHER RESOLVED THAT said alley vacation is granted contingent upon Mr. Gustave and Irene Tapper, property owners, grant an Perpetual Easement to the Church of Christ, for a right-of-way over the premises, to use as a means of ingress and egress to and from Grantee's property known as 5075 Toledo Road in Sheffield Township, Lorain County, Ohio;

FURTHER BE IT RESOLVED that said vacation of the aforesaid street shall accrue proportionately to the benefit of the adjacent property owners as provided by law.

BE IT FURTHER RESOLVED THAT the lands within the limits of said street as they are now established, shall forever remain, notwithstanding the passage of this resolution, subject to the rights of utilities now maintaining structures, fixtures and appurtenances in, under, over or upon 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.

April 7, 1994

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the County Recorder, Auditor, Engineer, Tax Map and Township Trustees for recording and filing.

The foregoing resolution was introduced upon a motion by Commissioner Elizabeth C. Blair, seconded by Commissioner Herbert J. Jacoby, and upon roll call, the vote taken thereon resulted as follows: Mrs. Blair, "aye"; Mr. Jacoby, "aye"; Mrs. Vasi, "aye".

Motion carried

I, Roxann Blair, Clerk of the Board of Commissioners of Lorain County, Ohio, do hereby certify that the above Resolution No. 94-279 is a true copy as it appears in Journal No. 94 on date of April 7, 1994



EASEMENT FOR RIGHT OF WAY

KNOW ALL MEN BY THESE PRESENTS, that Gustave and Irene Tapper, the Grantors, hereby give, grant and remise to the Church of Christ, the Grantee, a perpetual easement for a right-of-way over the following described premises:

Situated in the Township of Sheffield, County of Lorain and State of Ohio and known as being part of O.L. 113 of said Township and further described as follows:

Beginning at a point on the northerly line of subplot 238 at its point of intersection with the easterly right-of-way line of Toledo Avenue, thence easterly along the northerly line of subplot 238 a distance of 181.80 feet to the northeasterly corner of said subplot, thence northerly at right angles to the northerly line of subplot 238 a distance of 8 feet to a point, thence westerly parallel to the northerly line of subplot 238 to a point on the easterly right-of-way line of Toledo Avenue thence southerly along the easterly right-of-way line of Toledo Avenue to the principal point of beginning.

To use as a means of ingress and egress to and from Grantee's property known as 5075 Toledo Road in Sheffield Township, Lorain County, Ohio.

Said easement shall run with Grantee's property and the title to such property, and be binding upon the Grantors and their heirs and any person who shall after the effective date of this instrument acquire title to Grantor's property.

IN WITNESS WHEREOF, Gustave and Irene Tapper have hereunto set their hands, on this 14th day of May, 1994.

Signed in the presence of

Raymond B Hodkey
Chloe M Hodkey

Gustave Tapper
Irene Tapper

STATE OF OHIO

SS:

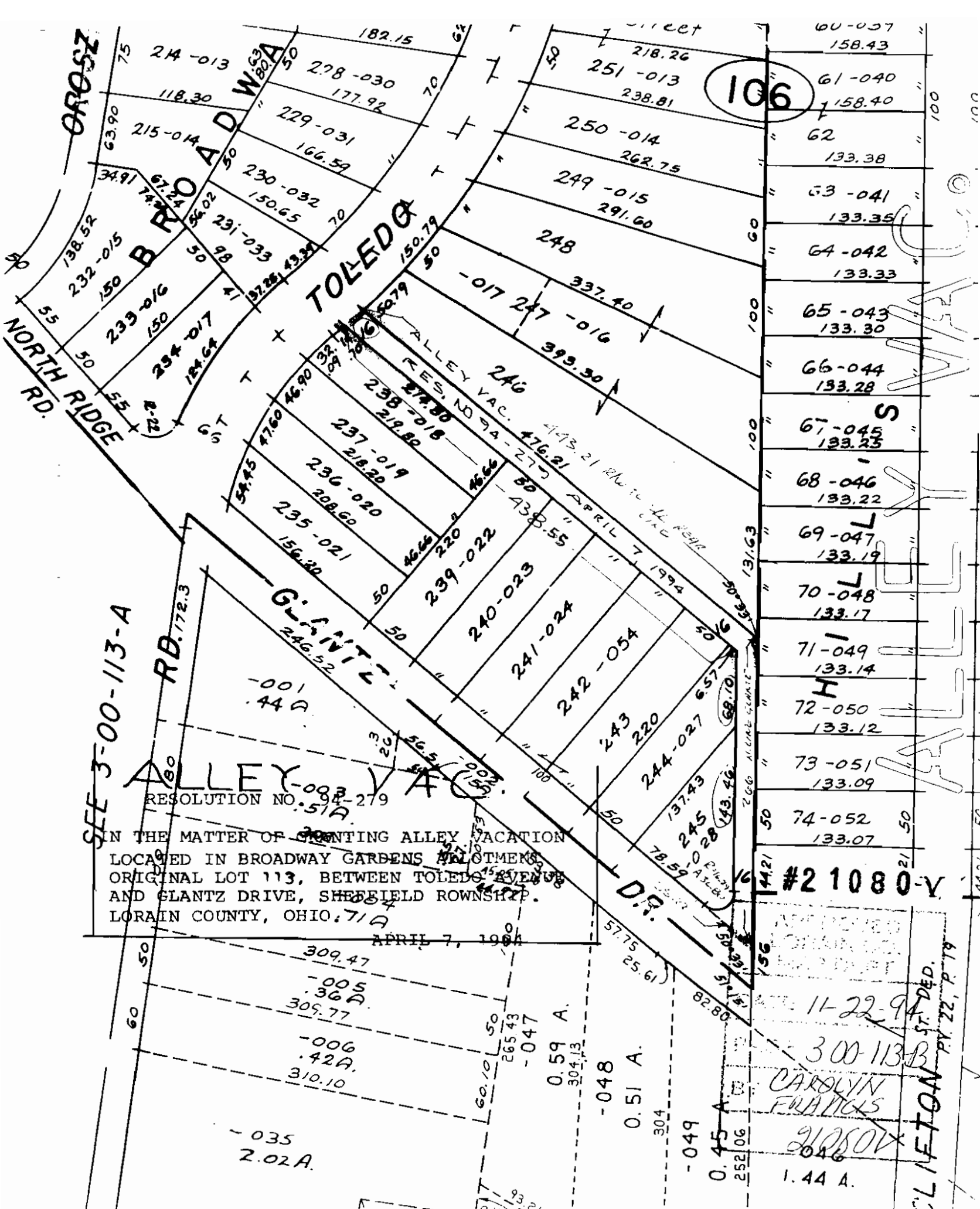
LORAIN COUNTY

Before me a notary public in and for said County and State, personally appeared the above named Gustave and Irene Tapper, who acknowledge that they did sign the foregoing instrument and that the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at this 14th day of May, 1994.

Joan C Johnson 4/25/97

This Instrument prepared by:
Gerald A. Innes, Attorney At Law



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SEE 3-00-113-A

RESOLUTION NO. 94-279

IN THE MATTER OF GRANTING ALLEY VACATION
 LOCATED IN BROADWAY GARDENS AND LOT 113,
 ORIGINAL LOT 113, BETWEEN TOLEDO AVENUE
 AND GLANTZ DRIVE, SHEFFIELD TOWNSHIP,
 LORAIN COUNTY, OHIO.

APRIL 7, 1994

#21080-V

CAROLYN FRANKS

21080-V

1.44 A.

CLIFTON ST. DEP.
 PY 22, P. 18

LORAIN COUNTY



COMMISSIONERS

Commissioners

May 20, 1994

*Herbert J. Jacoby
Mary Jo Vasi
Elizabeth C. Blair*

Mr. Angelo J. Marotta, Clerk
Sheffield Township Trustees
4006 Elyria Avenue
Lorain, Ohio 44055

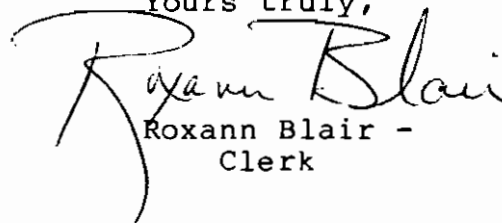
Dear Mr. Marotta:

We are enclosing a copy of Resolution No. 94-279 adopted by the Board of Commissioners on April 7, 1994 granting alley vacation located in Broadway Gardens Allotment, Original Lot 113, between Toledo Avenue and Glantz Drive, Sheffield Township, Lorain County, Ohio.

This approval was granted contingent upon Mr. and Mrs. Tapper granting a perpetual easement to the Church of Christ, for a right-of-way over the premises, to use as a means of ingress and egress to and from Grantee's property known as 5075 Toledo Road in Sheffield Township. A copy of said easement is also enclosed.

This is being forwarded for your information and files.

Yours truly,


Roxann Blair -
Clerk

rb
cc: County Auditor
County Engineer
County Recorder
Tax Map
File