

RESOLUTION NO. 94-667

In the matter of granting vacation of)
the southerly portion of Prospect)
Street, from the intersection of)
Carol Lane adjacent to University Oaks) September 8, 1994
being Sublots #67, #68 and #71 located)
in Carlisle Township, Lorain County,)
Ohio.)

WHEREAS, after due and legal advertising and personal notice a public hearing was held on June 30, 1994 on vacating Prospect Street, from the Elyria City Limits to its southerly terminus, located in Carlisle Township, Lorain County, Ohio; and

WHEREAS, the Commissioners invited comments from property owners who were in favor of the proposed vacation, along with residents in opposition; and

WHEREAS, Gayle Ignatz-Hoover was present and requested a clarification on what section of the Ohio Revised Code is this procedure being followed; and

WHEREAS, discussion was held and the Commissioners requested the Prosecutor's Office and Attorney Harold A. West, representing Grace Lutheran Church review the Ohio Revised Code Statute and the Attorney General opinion 76-042 and advise the Board on the legality of this proposed vacation procedure. At that time, September 8, 1994 at 10:30 AM was scheduled for the Commissioners to render their decision; and

WHEREAS, this date, Attorney Harold A. West presented to the Commissioners a Brief in opposition to the vacation of the portion of Prospect Street which abuts the property of Grace Lutheran Church; and

WHEREAS, the Board of Commissioners were advised by the Assistant County Prosecutor, Jerry Innes, that with a previous vacation approved for Clifton Avenue Extension in Sheffield Township the Board granted on July 28, 1994 which is now being appealed within the Common Pleas Court, to withhold their decision at this time for the northerly portion of Prospect Street, awaiting the outcome of that Court decision.

WHEREAS, property owners did not express objection to the southerly portion.

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 southerly portion of Prospect Street from the intersection of Carol Lane adjacent to University Oaks, being Sublots #67, #68 and #71 located in Carlisle Township, Lorain County, Ohio.

BE IT FURTHER RESOLVED that this Board will not make a determination at this time, to vacate the northerly portion of Prospect Street, pending the Court case on the granting of the vacation of Clifton Avenue Extension, Sheffield Township, Lorain County, Ohio. All property owners will receive a notice when the Commissioners have scheduled a date to proceed with the vacation hearing.

FURTHER BE IT RESOLVED that the southerly portion of Prospect Street be vacated and 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.

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, absent, attending a CORSA meeting in Columbus, Ohio.

Motion carried

I, Roxann Blair, Clerk of the Board of Commissioners of Lorain County, Ohio, do hereby certify that the above Resolution No. 94-667 is a true copy as it appears in Journal No. 94 on date of September 8, 1994



CERTIFICATE OF FILING

State of Ohio }
Lorain County } SS

I, JULIAN A. PIJOR, the duly elected, qualified and acting Auditor in and for the County and State aforesaid, do hereby certify that Roxann Blair

the duly elected, qualified and acting Clerk

in and for said Board of County Commissioners, Lorain County, Ohio,

and ex-officio Fiscal Officer for said District, has this day officially filed in the office of the Auditor of Lorain County a certified copy of Resolution No. 94-667

providing for granting vacation of the southerly portion of Prospect ~~in the sum of~~ Street, from the intersection of Carol Lane adjacent to University Oaks being Sublots #67, #68 and #71 located in Carlisle Twp., Lorain County, OH

WITNESS my hand and Official Seal at Elyria, Ohio this 23rd day of Sept., 1994.

Julian A. Pajor
County Auditor in and for
Lorain County, Ohio

(SEAL)

LORAIN COUNTY

COMMISSIONERS



RECEIVED
COUNTY

04 SEP 23 P12:02

WILLIAM A. PIJOR

Commissioners

*Herbert J. Jacoby
Mary Jo Vasi
E.C. (Betty) Blair*

September 23, 1994

Mr. Kenneth P. Carney, Sr.
Lorain County Engineer
247 Hadaway Street
Elyria, Ohio 44035
Attn: John Hamilton

Dear Mr. Carney:

We are enclosing a copy of Resolution No. 94-667 adopted by the Board of Commissioners on September 8, 1994 granting the vacation of the southerly portion of Prospect Street, from the intersection of Carol Lane adjacent to University Oaks, being Sublots #67, #68 and #71, located in Carlisle Township, Lorain County, Ohio.

This is being forwarded for your information and files.

Yours truly,

Roxann Blair
Roxann Blair -
Clerk

RB/h

Enclosure

cc: County Recorder
County Auditor
Tax Map
Carlisle Township Trustees
Attorney Harold A. West
File