

Ordinance No. 96- 264

An Ordinance Vacating a Portion of Sycamore Street In the City of Elyria

Whereas, this Council is satisfied that there is good cause shown for the vacation of the portion of Sycamore Street described below, and that it will not be detrimental to the general interest and ought to be made: and

Whereas, Section 723.05 of the *Ohio Revised Code* empowers the Council to vacate a street; and

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

Whereas, Section 913.05 of the *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 of the *Codified Ordinances of the City of Elyria*, 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, Andrew Tessaro, Jr. and Janice Tessaro, William Dobbins, and Alltel Ohio, Inc. (fka Elyria Telephone Company) are the abutting property owners and Council has their written consents 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 Sycamore Street below-described is hereby vacated:

Situated in the City of Elyria, County of Lorain, and State of Ohio, and being part of Original Elyria Township (now Ely Township) and Original Lot 21 East of the Black River and being property now owned by Ernest Schmittgen, as recorded in Volume 299, Page 133 of the Lorain County Record of Deeds, bounded and described as follows:

Beginning at a point, said point being the Southeast corner of land now owned by the Elyria Telephone Company as recorded in Volume 364, Page 351 of the Lorain County Record of Deeds; thence Westerly a distance of 334.5 feet along the Southerly line of the said Elyria Telephone Company property to a point in the Easterly line of the Cleveland Street Allotment and the Northerly line of Sycamore Street as recorded in Volume 13, Pages 41 and 42 of the Lorain County Record of Plats; thence Southerly a distance of 60 feet more or less in the Easterly line of said Cleveland Street Allotment to a point in the Northerly line of property now owned by Bernard V. Dobbins as recorded in Volume 451, Page 133 of Lorain County Record of Deeds; thence Easterly 20 feet in the Northerly line of said Dobbins property to a point, said point being the Northwest corner of land now owned by G. George and Dorothea LaLonde as recorded in Volume 630, Page 120 of the Lorain County Record of Deeds; thence Easterly a distance of 314.5 feet along the Northerly line of said LaLonde property and said line extended Easterly to a point in the Westerly line of Abbe Road; thence Northerly in the Westerly line of Abbe Road a distance of 60 feet to a point of beginning and containing 0.50 acres of land, more or less.

Section 2. That notwithstanding the passage of this Ordinance, the property within the limits of said portion of Sycamore Street as above-described, as they are now established, shall remain subject to the City of Elyria's reservation of a 55 foot wide utility easement. Said easement shall run from the Western boundary to the Eastern boundary of said property. The easement shall be measured from a line that connects the midpoint of the Western boundary with the midpoint of the Eastern boundary of said property. Said

CERTIFICATION

I HEREBY CERTIFY THAT THIS IS AN EXACT AND TRUE COPY OF Ordinance 96-264

Arthur J. Weber
ARTHUR J. WEBER, CLERK OF COUNCIL
CITY OF ELYRIA, OHIO

12-2-96
DATE

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COPY

easement shall be 25 feet South of such line and 30 feet North of such line. Said property shall also be subject to the City of Elyria's storm and sanitary sewers and any other utilities presently maintained or located, or to be located, on said property by the City of Elyria and the continuing right of the City of Elyria to maintain said sewers and utilities and to enter upon said property whenever reasonably necessary for the purposes of installing, inspecting, altering, replacing, repairing, patrolling, and maintaining said sewers and utilities and appurtenances. Within such easement, no person, other than the City, shall construct any structures, except that fences and driveways may be constructed therein. Landscaping may be planted within the easement area. However, if the City exercises the rights under this Section 2, then as to landscaped areas, the City shall be responsible only for the cost to restore the easement area to its prior grade and plant grass. As to driveway areas, the City shall backfill any excavation and restore the property to its prior grade. The property owner shall be responsible for the cost of restoring any damaged or removed driveway surface installed within the easement area. The City shall restore any fence to a serviceable condition.

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Section 3. That this section of Sycamore Street hereby vacated and as above-described shall revert entirely to the abutting property owners on either side of the street.

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in meetings open to the public, in compliance with Ohio law.

Section 5. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: 11-18-96

Thomas O. Shores
Thomas O. Shores, President

Attest: Arthur J. Weber
Arthur J. Weber, Clerk

Approved: 11-18-96

Michael B. Keys
Michael B. Keys, Mayor
Date 11-19-96

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

This Conveyance has been examined and the Grantor has complied with Section 319.202 of the Revised Code.
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EXEMPT TRP-356
Mark R. Stewart, County Auditor

Certificate of Publication

I, the undersigned Clerk of Council of the City of Elyria, Ohio, hereby certify that the full text of the foregoing Ordinance 96-264 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 11/20/96 to 12/4/96

Date: 12/5/96

Arthur J. Weber
Clerk of Council
City of Elyria, Ohio O.R. VOL

Date presented to the Mayor: 11-19-96

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FILM ROLL NO 1159

MARY ANN JAMISON
LORAIN COUNTY RECORDER

DEC 13 12 47 PM '96

RECEIVED FOR RECORD

CLERK OF COUNCIL
CITY OF ELYRIA, OH
328 Broad St.
ELYRIA, OH 44035

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