

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 lands 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

parcel. The easement shall be the measured from the line that connects the midpoint of the Western boundary with the midpoint of the Eastern boundary of the parcel. Said easement shall be 25 feet South of such line and 30 feet North of such line. Said parcel shall also be subject to the right of utilities now maintained on said land, if any, 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 installing, inspecting, altering, replacing, repairing, patrolling, and maintaining such structures, fixtures, and appurtenances. Landscaping may be planted within the easement area. However, if the City exercises its rights under this easement, the City shall only be responsible for the cost to restore the easement area with grass. Within such easement, no person, other than the City, shall construct any structures, except that fences and driveways may be constructed therein. If the City exercises its rights under this easement, then the City shall repair or replace any driveway and fence so as to restore the property to its condition prior to such exercise.

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: _____

Thomas O. Shores, President

Attest: _____

Arthur J. Weber, Clerk

Approved: _____

Michael B. Keys, Mayor

Date

Approved as to form:

Terry S. Shilling, Solicitor

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-_____ 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 _____.

Date: _____

Clerk of Council
City of Elyria, Ohio

Date presented to the Mayor: _____

Know all Men by these Presents

That Ernest J. Schmittgen and Elaine C. Schmittgen, husband and wife,
236 Columbus Street, Elyria, Ohio

the Grantors

~~wherein title is conveyed through instrument recorded in Volume _____ Page _____~~

~~County Record of Deeds for the consideration of Ten and 00.100-----~~

~~-----Dollars (\$10.00)~~

received to their full satisfaction of the City of Elyria, Ohio
City Hall, Elyria, Ohio

the Grantee

whose TAX MAILING ADDRESS will be Elyria, Ohio

do

Give, Grant, Vargain, Sell and Convey unto the said Grantee, its
and successors

here and assigns the following described premises, 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.

Gail Ignatz-Hoover Co., L.P.A.

Attorney at Law

105 Court Street, Suite 522

Elyria, Ohio 44035-5525

Telephone (216) 323-5762

Facsimile (216) 323-6711

August 13, 1996

Mr. Thomas McNair
Transfer Office
Lorain County Administration Building
226 Middle Avenue
Elyria, OH 44035

Re: Vacation of a portion of Sycamore Street, Elyria

Dear Mr. McNair:

I have enclosed a proposed ordinance for the vacation of a portion of Sycamore Street. This proposed ordinance has been filed with the Elyria City Council. I have also enclosed a copy of the deed by which the City of Elyria obtained title and maps of the site.

Please review the proposed ordinance to determine if it meets all standards for transfer on the county records. The proposed ordinance is being considered by committees. Thus, I would appreciate being advised of any necessary changes or other supporting documents that you need for an efficient transfer in the event that the ordinance is approved by Council. Thank you for your efforts.

Sincerely yours,


Gail Ignatz-Hoover

Enclosures: Proposed Ordinance, Deed 796/680; Maps

xc: M/M Tessaro (w/o enclosures)

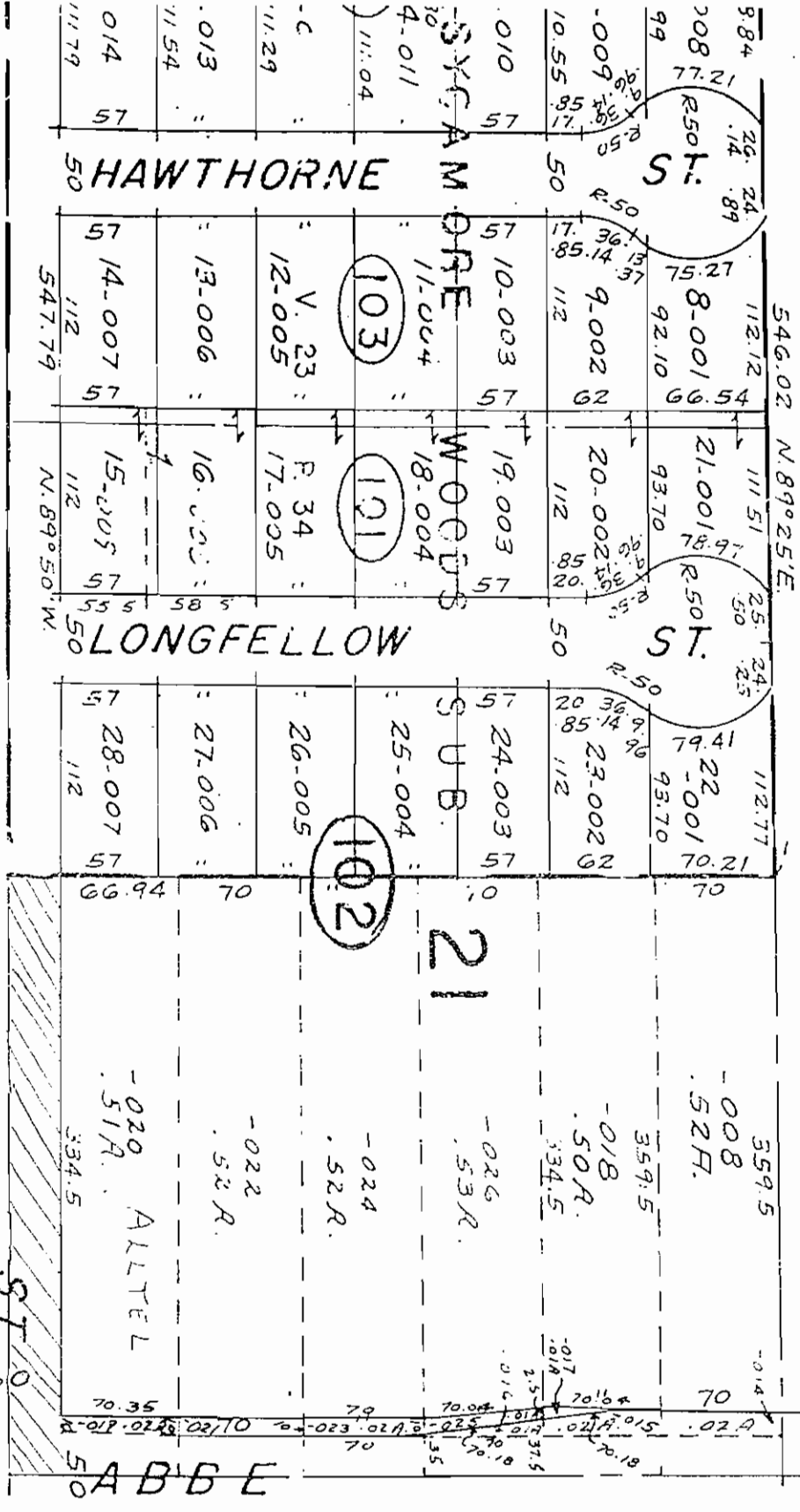
TESSARO.COR

117

- 001

BYPASS

5.37R.



SFF 6-88

EAST OF RIVER
 ELY PT. LOTS 31, 32
 NLY PT. 20, 21
 NELY PT. LOT 19



