

ORDINANCE NO. B-838

ACCEPTING THE DEDICATION OF LANDS BY DEED DATED SEPTEMBER 9, 1963, OF THE AMHERST FOUR SQUARE CHURCH, INC. FOR THE EXTENSION OF TERRA LANE IN PARTS OF ORIGINAL LOTS NO. 39 AND 40 OF AMHERST TOWNSHIP, NOW THE CITY OF AMHERST, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Amherst desires the Amherst Four Square Church, Inc., to dedicate to them certain lands running through their property in Original Lots No. 39 and 40 of Amherst Township, now the City of Amherst for public street purposes, to extend Terra Lane from its present terminus north to Cooper-Poster Park Road,

WHEREAS, the Amherst Four Square Church, Inc. desires to acquiesce in the desires with the City of Amherst,

WHEREAS, the Amherst Four Square Church, Inc. desires assurances that it will not be assessed for street construction in said dedicated lands and requests in the dedication a reservation that the City of Amherst shall construct upon the lands dedicated a street in accordance with the plans and specifications as provided in the valid ordinances of the City of Amherst,

WHEREAS, the City of Amherst finds that the fair value of land dedicated is fairly equal to the cost of said construction.

NOW, THEREFORE, be it ordained by the Council of the City of Amherst, State of Ohio:

- Section 1. That the dedication of lands by the Amherst Four Square Church, Inc. by deed dated September 9, 1963, in parts of Original Lots No. 39 and 40 of Amherst Township, now the City of Amherst, be and the same is approved and accepted, and the dedication for public use of these lands for street purposes be, and the same is hereby accepted and confirmed.
- Section 2. That the City of Amherst accept the reservations and covenants in said Deed and specifically agree by acceptance of this dedication that the grantor shall reserve unto itself, its successors and assigns, the right to receive reimbursement from all persons, individuals, or corporations desiring to tap in to the present ten inch sewer within the lands herein dedicated constructed by grantor a sum to be determined by negotiation with any such persons, individuals, or corporation, not to exceed the total sum of Three Thousand Dollars (\$3,000.00).
- Section 3. That the City of Amherst accept the further reservation that by acceptance of this dedication it agrees and covenants with the grantor that it shall, at a time determined by the grantee, construct upon the lands described herein, a street in accordance with the plans and specifications as provided in the valid ordinances of the City of Amherst, and further agree

that no lands of the grantor adjacent to and adjoining the described premises shall be assessed in any manner for said street construction; provided, however, that the grantor may at its election determine to proceed and install a street in accordance with the plans and specifications required under the valid ordinances of the City of Amherst without furnishing assurances thereof first; provided, further, however, that the grantor may petition the City of Amherst pursuant to the Ohio Revised Code at any time to have the City construct said road and the cost thereof to be assessed against the adjoining benefited property and further that the City of Amherst may after a period of five years from the date hereof proceed to improve said road by use of any section of the Ohio Revised Code including those referring to special assessment.

Section 4.

That this ordinance is declared to be an emergency; the emergency being to provide for the immediate acceptance of the lands dedicated herein and that this ordinance take effect and be in force immediately upon passage.

PASSED November 26, 1963

Robert A. Penman  
President

ATTEST Louis P. Kuefeld

APPROVED 11-26-63

Frank J. Junik  
Mayor

APPROVED AS TO FORM BY:

R. J. Martinek  
R. J. Martinek, Solicitor

1st Reading 9-9-63  
2nd Reading 10-28-63  
3rd Reading 11-12-63

AMHERST, OHIO

DEC. 31 1963 B838

I hereby certify that the foregoing Ordinance No. B838 was duly published in The Amherst News-Times, a newspaper of general circulation in the City of Amherst, of

DEC. 12-19, 1963  
Louis P. Kuefeld  
Council Clerk

James Lilly  
John Whitaker

KNOW ALL MEN BY THESE PRESENTS

That, MANOR REAL ESTATE COMPANY, a Corporation of the Commonwealth of Pennsylvania, duly authorized to transact business in the State of Ohio, the Grantor, for the consideration of \$2,457.00, received to its full satisfaction of the Grantee, OHIO EDISON COMPANY, a Corporation of the State of Ohio, having its principal office at Akron, Ohio, does give, grant, bargain, sell and convey unto the said Grantee, its successors and assigns, forever, SUBJECT as hereinafter mentioned, the following described premises:

ALL THAT parcel of land situate in the Township of Amherst, County of Lorain and State of Ohio, being part of Township 6 North, Range 18 West, in the Connecticut Western Reserve and being parts of Original Lots Numbers 45, 46 and 56 in said Amherst Township, bounded and described as follows, viz:

BEGINNING at a point at the northernmost corner of the parcel of land containing 23.1 acres,  $\pm$ , which has been conveyed by Manor Real Estate Company to Ohio Edison Company as Parcel Number Four in Deed dated October 12, 1959, said beginning point being in the Southerly line of land now or formerly of The Lake Shore and Michigan Southern Railway Company (New York Central Railroad Company) and at the distance of 56.5 feet Southeastwardly at right angles from the center line of the former Lorain, Ashland and Southern Railroad, now abandoned;

EXTENDING from said beginning point the following ten courses and distances: (1) S.  $46^{\circ} 49'$  W., parallel with said center line of former railroad, now abandoned, being partly by said parcel of land containing 23.1 acres,  $\pm$ , conveyed as aforesaid and partly by land now or formerly of Sophia N. Barnes and others, 3360 feet,  $\pm$ , to the line dividing said land now or formerly of Sophia N. Barnes and others on the North from land now or formerly of C. B. Schibley and wife on the South; the following two courses and distances being by said land now or formerly of C. B. Schibley and wife: (2) Westwardly 25 feet,  $\pm$ , to a point distant 36.5 feet Southeastwardly at right angles from said center line of former railroad, now abandoned; (3) S.  $46^{\circ} 49'$  W., parallel with said center line of former railroad, now abandoned, 400 feet,  $\pm$ , to the Northerly right-of-way line of the Ohio Turnpike (330 feet wide); (4) S.  $79^{\circ} 54'$  W., along the same, 109.92 feet to a point distant 23.5 feet Northwestwardly at right angles from said center line of former railroad, now abandoned; the following two courses and distances being by other land now or formerly of C. B. Schibley and wife: (5) N.  $46^{\circ} 49'$  E., parallel with said center line of former railroad, now abandoned, 440 feet,  $\pm$ , to the prolongation of said land dividing line between land now or formerly of C. B. Schibley and wife and land now or formerly of Sophia N. Barnes and others; (6) Westwardly, along said prolongation of land dividing line, 25 feet,  $\pm$ , to a point distant 43.5 feet Northwestwardly at right angles from said center line of former railroad, now abandoned; (7) N.  $46^{\circ} 49'$  E., parallel with said center line of former railroad, now abandoned, being partly by other land now or formerly of Sophia N. Barnes and others and partly by land now or formerly of Fred J. Krueck and wife, 1146.5 feet to the line dividing said Lot Number 46 on the South from said Lot Number 45 on the North; (8) Westwardly, along said lot dividing line, still by said land now or formerly of Fred J. Krueck and wife, 20 feet,  $\pm$ , to a point distant 56.5 feet Northwestwardly at right angles from said center line of former railroad, now abandoned; (9) N.  $46^{\circ} 49'$  E., parallel with said center line of former railroad, now abandoned, being by land of other owners, 2260 feet,  $\pm$ , to said Southerly line of land now or formerly of The Lake Shore and Michigan Southern Railway Company; and (10) S.  $69^{\circ} 23'$  E., along the same, 125 feet,  $\pm$ , to the place of beginning.

CONTAINING 8.5 acres,  $\pm$ .

BEING a portion of the land which the Lorain, Ashland and Southern Railroad Company, by deed dated February 2, 1932 and recorded in the Office for the Recording of Deeds in and for Lorain County aforesaid, in Deed Book 264, page 71, quitclaimed unto Granite Improvement Company, a predecessor of the said Grantor herein.

DESCRIPTION  
CHECKED BY  
M. G. REED

J. W. S.

FEET



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HANOR REAL ESTATE COMPANY

to

OHIO EDISON COMPANY

APPROVED *Ohio Edison Co.*

.....*John D. Kesteven*.....  
PURCHASER  
*R. E. Representative*

Land situate in the Township of  
Asherst, Lorain County, Ohio.

Prepared *H. H.*

Checked

Approved

Design: *H. H.*

Compt: *W. L.*

Drawer

BOX

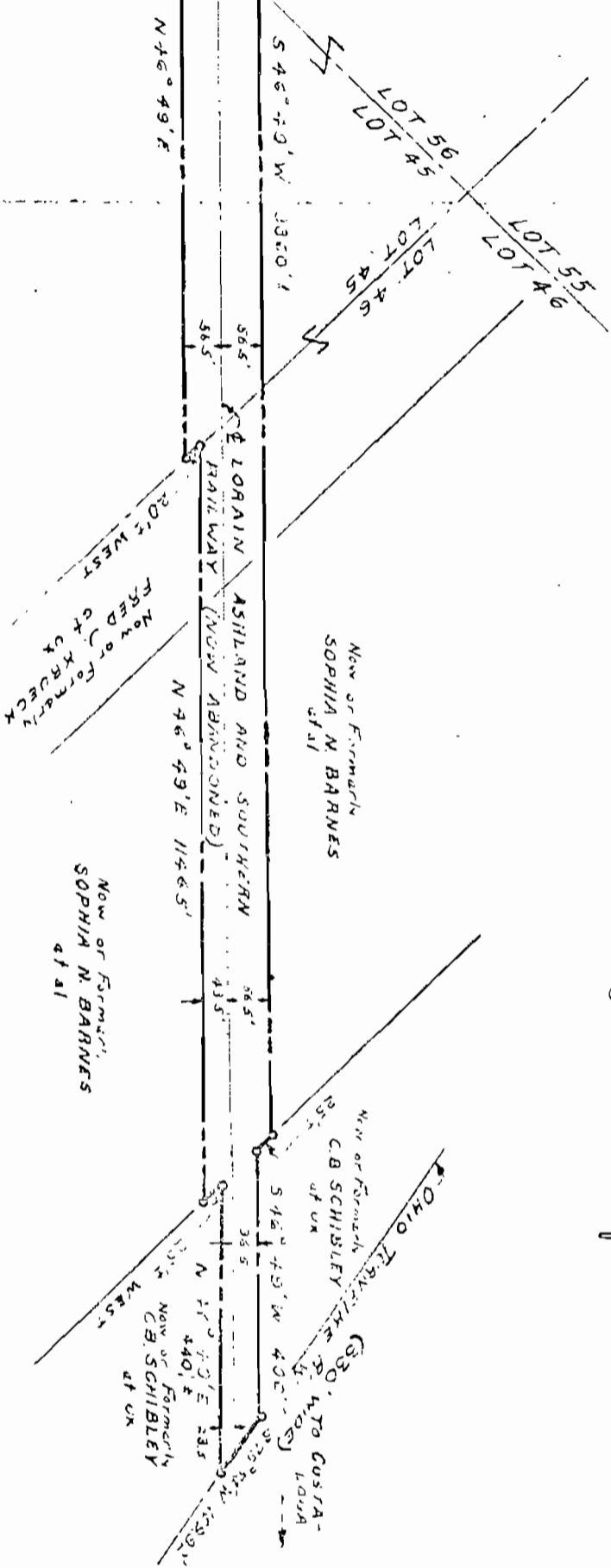
Map

PKG.



REAL ESTATE DEPT RECORD  
 DRAWER ATLAS ROLL MAP 5561 MAP  
 CASE NUMBER 57840

APPROVED: *[Signature]*  
 H. SILVERY - AREA ENGR. COLUMBUS, OHIO



LEGEND  
 MANOR REAL ESTATE CO. PROPERTY TO BE CONVEYED 8.5 A.CT. YELLOW

THE PENNSYLVANIA RAILROAD CO.  
 LAKE REGION CLEVELAND DISTRICT  
 PROPERTY TO BE CONVEYED

MANOR REAL ESTATE COMPANY  
 TO  
 OHIO EDISON COMPANY  
 SCALE 1"=250'  
 DATE SURV. 30, 1963  
 MADE BY 273  
 CHECKED BY WWP