

ORDINANCE NO. 0-15-18

AN ORDINANCE VACATING A PORTION OF WESTLAKE DRIVE AND RETAINING A UTILITY EASEMENT ON A PORTION OF THE AREA VACATED; AND DECLARING AN EMERGENCY.

WHEREAS, Amherst Manor, Ltd, an Ohio Limited Liability Company, has filed a petition pursuant to R.C. 723.04 to vacate a portion of Westlake Drive, created by the subdivision known as Westlake Allotment No. 2, the plat of which is filed with the Lorain County Recorder in Volume 20, Page 25 of Plats; and

WHEREAS, the petitioner, Amherst Manor, Ltd, is the owner of all property adjoining and contiguous to the parcel to be vacated pursuant to this Ordinance; and

WHEREAS, the Building and Lands Committee of the Amherst City Council considered this matter at its regular meeting on June 1, 2015 and recommended that the petition be brought before the Amherst City Council on emergency.

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

SECTION 1: That the Council for the City of Amherst enters into the following Findings:

- A. The it has received a petition pursuant to R.C. 723.04 to vacate a portion of Westlake Drive as described in Exhibit A-1 and shown in Exhibit A-2 attached hereto;
- B. The petition was submitted by Amherst Manor, Ltd, an Ohio Limited Liability Company, which company is the owner of all of the land adjoining and contiguous to the parcel to be vacated;
- C. There is good cause to vacate the portion of the street for the reasons that Amherst Manor Ltd needs the vacated portion of the street in order to expand its facilities and for the further reasons that the City of Amherst no longer has an interest in the parcel to be vacated serving as a dedicated public street;
- D. It will not be detrimental to the public interest to vacate the portion of the public street for the reason set forth in Finding C above.

SECTION 2: That notice of the pending petition pursuant to R.C. 723.07 is not required for the reason that the petitioner, Amherst Manor, Ltd, is the owner of all land adjoining and contiguous to the parcel to be vacated and has entered its written consent to the vacation pursuant to R.C. 723.06.

SECTION 3: That the City of Amherst, Ohio, hereby vacates that portion of the public street known as Westlake Drive described in Exhibit A-1 as shown in Exhibit A-2 attached hereto. The vacation of that portion of the street shall cause title to vest in the petitioner, Amherst Manor, Ltd, subject to the retained easement of the City of Amherst as described in Section 4 below.

SECTION 4: That the City of Amherst, Ohio, shall retain a permanent easement in the portion of the street vacated as described in Exhibit B-1 as shown in Exhibit B-2 attached hereto for the purpose of maintaining, operating, renewing, reconstructing, and removing of public utility facilities pursuant to R.C. 723.041.

SECTION 5: That petitioner Amherst Manor, Ltd shall cause a certified copy of this Ordinance to be filed with the Lorain County Recorder to evidence the vacation of the portion of Westlake Drive as described in Exhibit A-1 and to evidence the retained easement of the City of Amherst in that portion of the vacated street as described in Exhibit B-1.


SECTION 6: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7: That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of Amherst, Ohio, for emergency being the need to facilitate the expansion of the facilities of Amherst Manor, Ltd, which expansion is in the interest of the City of Amherst and its citizens; and provided it receives the majority vote of two-thirds or more of those elected to City Council, it shall go into full force and effect from and immediately after its passage and its approval by the Mayor; otherwise it shall take effect at the earliest period allowed by law.

1st reading 6/8/15
2nd reading —
3rd reading —

PASSED June 8, 15

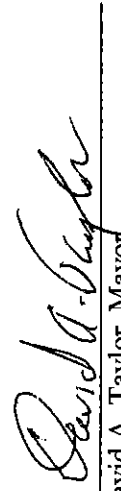
ATTEST 

Approved as to form by:

Anthony R. Pecora, Director of Law

Filed with the Mayor June 9, 2015


John S. Dietrich, President of Council

6-9-15
APPROVED


David A. Taylor, Mayor

Certified as a True and Exact
Copy of the Original

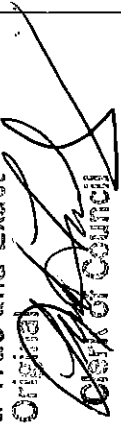

Clerk of Council

EXHIBIT "A-1"
SKETCH OF VACATION

**CREATING A VACATION OF
 A PART OF WESTLAKE DRIVE**

SITUATED IN THE CITY OF AMHERST, COUNTY OF
 LORAIN AND KNOWN AS BEING PART OF ORIGINAL
 AMHERST TOWNSHIP LOT NO. 18.

HATCH LEGEND:

RIGHT-OF-WAY VACATION AREA
 (217 S.F. - 0.0486 ACRES)



S/L 22
 WESTLAKE ALLOTMENT No.2
 Vol. 20, Page 25

MAY 2015



CIVIL ENGINEERING & SURVEYING
 257 SOUTH COURT STREET
 SUITE 6

Rev. # 4

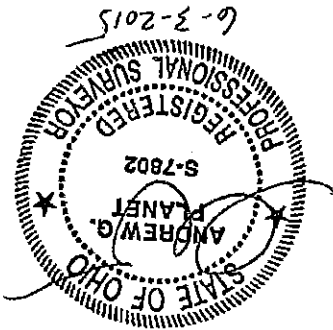
RAI Proj. No. 272326

Curve Table						
Curve #	Length	Radius	Delta	Tangent	Chord Direction	Chord Length
C1	40.67'	110.00'	2111'05"	20.57'	N66°19'37"E	40.44'
C2	34.05'	50.00'	39'01"01"	17.71'	S69°42'16"W	33.40'

P.P. No. 05-00-018-106-017

P.P. No. 05-00-018-106-016

P.P. No. 05-00-018-106-052



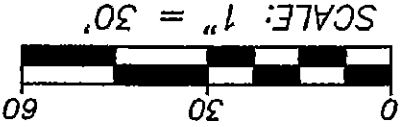
AMHERST MANOR LTD.
 O.R. Vol. 1235, Pg. 328
 03/19/1996

P.O.B.
 S/W CORNER
 S/L 35

N.88°47'36"E.
 98.07'

S/L 35
 WESTLAKE ALLOTMENT No.2
 Vol. 20, Page 25 T.P.O.B.

NOTE: BEARINGS ARE BASED ON
 AN ASSUMED MERIDIAN AND ARE
 USED TO DENOTE ANGLES ONLY.



NORTH

Rev. # 3

Legal description reviewed by [Signature]
 on 11/3/17 per O.R.C. Section 5713.09

[225]222326[.dwg]222326 SH Plan 04-10-2015.2.dwg



Engineering and Surveying
257 S. Court St. • Suite 6
Medina, Ohio 44256
Phone: 330-723-1828 • 800-723-1870
Fax: 330-723-6637
E-mail: info@rh-inc.com

Legal Description for
Vacation of a part of Westlake Drive
Project No. 22,536
June 3, 2015

Situated in the City of Amherst, County of Lorain and State of Ohio, also known as being part of Original Amherst Township Lot No. 18 and being part of Westlake Drive, having a 60-foot width, further bounded and described as follows:

Commencing at the Southwest corner of Sublot No. 35 of Westlake Allotment No. 2 as shown by the plat recorded in Plat Volume 20, Page 25 of Lorain County Recorder's Records;

Thence along the Southern line of said Sublot No. 35, bearing North 88°47'36" East for a distance of 98.07 feet to a point of curvature thereon, also being a Northeast corner of lands conveyed to Amherst Manor LTD. by deed dated March 19, 1996 as recorded in Official Record Volume 1255, Page 328 of Lorain County Recorder's Records and the **TRUE PLACE OF BEGINNING** of the Vacation Area herein described;

Thence continuing along the Southern line of said Sublot No. 35 and along a curve to the left having a delta of 39°01'01", a radius of 50.00 feet, a tangent of 17.71 feet, and the long chord of which bears North 69°42'16" East for a distance of 33.40 feet for an arc length of 34.05 feet to a point;

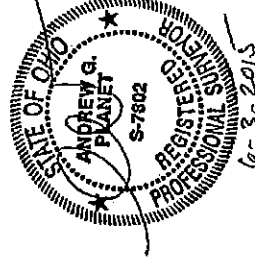
Thence, bearing South 39°48'14" East, a distance of 59.45 feet to a point on a Northern line of aforesaid lands of Amherst Manor LTD.;

Thence along a Northern line of aforesaid lands of Amherst Manor LTD. and along a non-tangent curve to the right having a delta of 21°11'05", a radius of 110.00 feet, a tangent of 20.57 feet, and the long chord of which bears South 66°19'37" West for a distance of 40.44 feet for an arc length of 40.67 feet to an interior corner of said lands of Amherst Manor LTD.;

Thence continuing along a Northern line of aforesaid lands of Amherst Manor LTD., bearing North 32°43'36" West, a distance of 59.82 feet to a point and the **TRUE PLACE OF BEGINNING**, containing 0.0486 Acres (2,117 Square Feet) of land, more or less but subject to all legal highways and all covenants and agreements of record.

Bearings are based on an assumed meridian and are used herein to indicate angles only.

This legal description was prepared based on a survey under the supervision of Andrew G. Planet, P.S. No. S-7802 by Rolling & Hoyer, Inc. in May 2015.



Rev. #3

Rev. #1
Rev. #2

Rev. #2

Legal description reviewed by TS
on 11/3/17 per ORC, Section 5713.00