

ORDINANCE NO. O-16-57

AN ORDINANCE AMENDING ORDINANCE NO. O-15-18 TO CORRECT AN ERROR IN EXHIBIT A-1 OF THAT ORDINANCE AND DECLARING AN EMERGENCY.

WHEREAS, Amherst Manor Company, Ltd., an Ohio limited liability company, filed a petition to vacate a portion of Westlake Drive in the subdivision known as Westlake Allotment No. 2, the plat of which is filed with Lorain County Recorder in Volume 20, Page 25 of Plats; and

WHEREAS, Amherst City Council granted the request of Amherst Manor Company, Ltd. and vacated said portion of Westlake Drive with a legal description of the vacated portion attached as an Exhibit; and

WHEREAS, due to a transposition error, one of the bearings on the sketch (attached as an exhibit to said Ordinance) of the vacated portion was incorrect; and

WHEREAS, the Building and Lands Committee of the Amherst City Council considered this matter at its regular meeting on November 21, 2016 and recommended that this Ordinance be brought before Amherst City Council on an emergency basis.

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. Due to a transposition error, a bearing on the sketch of the portion of the street (which was vacated), which is set forth on an exhibit to Ordinance No. O-15-18, was incorrectly written as "S. 23 43' 36" E", but is correctly "S. 32 43' 36" E"; and

B. The sketch, which is attached hereto as Exhibit A, depicts the correct bearing.

SECTION 2: That Ordinance No. O-15-18 is hereby amended to substitute the sketch, set forth on Exhibit A attached hereto, for the sketch attached to Ordinance No. O-15-18 as if the sketch (set forth on Exhibit A hereto) had been attached as an Exhibit to Ordinance No. O-15-18 in lieu of the sketch that was attached.

SECTION 3: That the vacation of the portion of Westlake Drive and the retention of permanent easement, as provided in Ordinance No. O-15-18, are reaffirmed.


SECTION 4: That Amherst Manor Company, Ltd. shall cause a certified copy of this Ordinance to be filed with the Lorain County Recorder to evidence the amendment of Ordinance No. O-15-18.

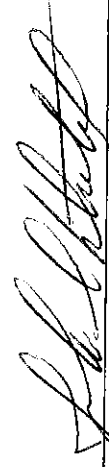
SECTION 5: That it is found and determined that all formal actions of this Council, concerning and relating to the adoption of this ordinance, were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees, that resulted in this formal action, were in meetings open to the public in compliance with all legal requirements, including, but not limited to, Section 121.22 of the Ohio Revised Code.


SECTION 6: 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 the emergency being the need to file the consolidation plat with respect to the expansion of the facilities of Amherst Manor Nursing Facility, as required by the Zoning Board of Appeals and provided if it receives a majority vote of two-thirds (2/3) or more of those elected to City Council, it shall go into full force and effect from and immediately after its passage and approval by the Mayor; otherwise it shall take effect at the earliest period allowed by law.

1st reading Nov. 28, 2016
2nd reading _____
3rd reading _____

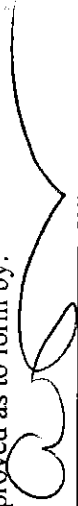
PASSED Nov. 28, 2016

ATTEST



John S. Dietrich, President of Council

Nov. 28, 2016
APPROVED

Mark Costilow, Mayor

Approved as to form by:



Anthony R. Pecors, Director of Law

Filed with the Mayor: November 29, 2016

Certified as a True and Exact
Copy of the Original.


Clerk of Council

EXHIBIT A
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
 (2117 S.F. - 0.0486 ACRES)

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

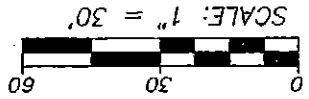
MAY 2015



CIVIL ENGINEERING & SURVEYING
 257 SOUTH COURT STREET
 SUITE 6
 MEDINA, OHIO 44256
 PHONE: (330)723-1828
 FAX: (330)723-8837
 REG. PROJ. No. 22536

Curve #	Length	Radius	Delta	Tangent	Chord Direction	Chord Length
C1	40.67'	110.00'	211°05'	20.57'	N66°18'37"E	40.44'
C2	34.05'	50.00'	39°01'01"	17.71'	S69°42'16"W	33.40'

WESTLAKE
 DRIVE 60' R/W



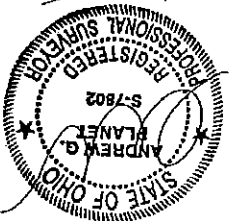
NOTE: BEARINGS ARE BASED ON
 AN ASSUMED MERIDIAN AND ARE
 USED TO DENOTE ANGLES ONLY.



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

N 88°47'36" E
 98.07'

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



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

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

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

Legal description reviewed by **VS**
 on **11/3/16** per DRC, Section 5713.60