

ORDINANCE NO. 0-22-28

AN ORDINANCE VACATING A PORTION OF NORTH DEWEY ROAD AND RETAINING UTILITY AND DRAINAGE EASEMENTS ON A PORTION OF THE AREA VACATED.

WHEREAS, North Dewey Road Extension Inc., an Ohio corporation, has filed a petition pursuant to R.C. § 723.04 to vacate a portion of North Dewey Road;

WHEREAS, the petitioner, North Dewey Road Extension Inc., is the owner of certain property adjoining and contiguous to the property to be vacated pursuant to this ordinance; and

WHEREAS, the Streets and Sidewalks Committee of Amherst City Council, at its regular meeting on May 2, 2022, considered the matter of whether a portion of North Dewey Road should be vacated and voted that this matter be brought to the floor of Council.

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 hereby makes the following findings:

A. It has received a petition pursuant to R.C. § 723.04 to vacate a portion of North Dewey Road as described in Exhibit A-1 and shown in Exhibit A-2 attached hereto;

B. The petition was submitted by North Dewey Road Extension Inc., an Ohio corporation, which company is the owner of all the land adjoining and contiguous to the property to be vacated;

C. There is good cause to vacate this portion of North Dewey Road for the reasons that the vacated portion of the street will facilitate development of a manufactured home park and the City of Amherst no longer has an interest in the property to be vacated serving as a dedicated public street; and

D. It will not be detrimental to the public interest to vacate the portion of the public street for the reasons set forth in Section 1(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, North Dewey Road Extension Inc., is the owner of all land adjoining and contiguous to the property 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 North Dewey Road 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, North Dewey Road Extension Inc., subject to the retained easements of the City of Amherst as described in Section 4 below.

SECTION 4: That the City of Amherst, Ohio shall retain permanent access and utility and drainage easements in the portions 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 public utility facilities pursuant to R.C. § 723.041.


SECTION 5: That petitioner North Dewey Road Extension Inc. shall cause a certified copy of this Ordinance to be filed with the Lorain County Recorder to evidence the vacation of the portion of North Dewey Road as described in Exhibit A-1 and to evidence the retained easements of the City of Amherst in that portion of the vacated street as described in Exhibit B-1.

Certified as a True and Exact Copy of the Original.
Clerk of Council

Legal description reviewed by 75 on 7/5/22 per ORC, Section 5713.09

Filed with the Mayor: 6-14-22

Anthony R. Pecora, Director of Law



Approved as to form by:

ATTEST Debra Durbin

PASSED June 13, 2022

1st reading 5/9/22

2nd reading 5/23/22

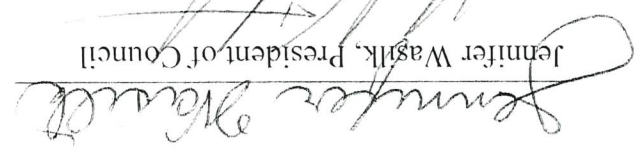
3rd reading 6/13/22

Mark Costilow, Mayor



APPROVED 6/14/2022

Jennifer Wasilk, President of Council



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 actions, 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 shall take effect at the earliest period allowed by law.

NORTH DEWEY ROAD VACATION & DEDICATION PLAT

BEING A VACATION OF 1.2081 ACRES AND A DEDICATION OF 0.2468 ACRES
 OF NORTH DEWEY ROAD, AND A CONSOLIDATION OF 24.8033 ACRES OF ADJACENT LANDS
 IN ORIGINAL AMHERST TOWNSHIP SECTION NO. 41
 NOW IN THE CITY OF AMHERST - LORAIN COUNTY - STATE OF OHIO
 April 2022

ACCEPTANCE AND DEDICATION

BE IT KNOWN THAT THE UNDERSIGNED NORTH DEWEY ROAD EXTENSION, INC., THROUGH ITS AGENT BRITT LILLEY, HEREBY CERTIFIES THAT THIS PLAT CORRECTLY REPRESENTS BOTH THE VACATION AND DEDICATION OF PORTIONS OF NORTH DEWEY ROAD (60' FEET IN WIDTH AND VARIES) AND THE CONSOLIDATION OF THE ADJACENT LANDS OWNED BY NORTH DEWEY ROAD EXTENSION, INC.

AND DOES HEREBY GRANT UNTO THE CITY OF AMHERST AN **ACCESS AND UTILITY EASEMENT** AS SHOWN HEREON FOR PURPOSES OF INGRESS AND EGRESS TO SANITARY SEWER MAIN AND WATER MAIN FACILITIES AND TO LAY, MAINTAIN, REPLACE OR REMOVE PIPE, MANHOLES, AND/OR OTHER APPURTENANCES, NO STRUCTURES, FENCE OR LANDSCAPING OTHER THAN GRASS IS TO BE CONSTRUCTED IN SAID EASEMENTS. THE CITY IS RESPONSIBLE FOR REPLACING ONLY GRASS IN EASEMENT AREAS. PUBLIC IMPROVEMENTS THAT WILL BE DEDICATED ARE LIMITED TO SANITARY SEWER MAINS, WATER MAINS, RELATED APPURTENANCES, THE COST OF MAINTAINING THE PUBLIC IMPROVEMENTS BY THE CITY OF AMHERST. HOWEVER PAVEMENT REPLACEMENT COST IS BY THE LANDOWNER AND ITS SUCCESSORS.

AND DOES HEREBY GRANT UNTO THE CITY OF AMHERST **DRAINAGE EASEMENTS** AS SHOWN HEREON FOR PURPOSES OF INGRESS AND EGRESS TO FACILITIES AND TO LAY, MAINTAIN, REPLACE OR REMOVE PIPE, MANHOLES, CREWS, DITCHES, SWALES AND/OR OTHER APPURTENANCES. NO STRUCTURES, FENCE OR LANDSCAPING OTHER THAN GRASS IS TO BE CONSTRUCTED IN SAID EASEMENTS. THE CITY IS RESPONSIBLE FOR REPLACING ONLY GRASS IN EASEMENT AREAS.

AND DOES HEREBY GRANT UNTO THE CITY OF AMHERST AND UTILITY COMPANIES INCLUDING BUT NOT LIMITED TO THE CENTURY TELEPHONE COMPANY OF OHIO, COLUMBIA GAS, CHARTER COMMUNICATIONS, AND WIDE OPEN WEST (WOW) CABLE, THEIR SUCCESSORS AND ASSIGNS (HEREINAFTER REFERRED TO AS GRANTEE) A **PERMANENT UTILITY EASEMENT (10' FEET IN WIDTH & VARIES UNDER OVER AND THROUGH ALL SUBLOTS AS SHOWN HEREIN) PARALLEL WITH AND CONTIGUOUS TO ALL STREET LINES TO CONSTRUCT, PLACE, OPERATE, MAINTAIN, REPAIR, RECONSTRUCT AND RELOCATE SUCH UNDERGROUND GAS, ELECTRIC, AND COMMUNICATIONS CABLES, DUCTS, CONDUITS, SURFACE OR BELOW GROUND MOUNTED TRANSFORMERS AND PEDESTALS, CONCRETE PADS AND OTHER FACILITIES AS ARE DEEMED NECESSARY OR CONVENIENT BY THE GRANTEE FOR DISTRIBUTING NAUTRAL GAS, ELECTRICITY AND COMMUNICATION SIGNALS FOR PUBLIC OR PRIVATE USE AT SUCH TIME AND PLACE AS GRANTEE MAY DETERMINE UPON WITHIN AND ACROSS THE EASEMENT PREMISES. SAID EASEMENT RIGHTS SHALL INCLUDE THE RIGHT TO REMOVE TREES AND LANDSCAPING INCLUDING LAWN WITHIN AND WITHOUT SAID EASEMENT PREMISES, WHICH MAY INTERFERE WITH THE INSTALLATION, REPAIR, MAINTENANCE OR OPERATION OF SAID GAS, ELECTRIC AND COMMUNICATION FACILITIES. THE RIGHT TO INSTALL, REPAIR, MAINTENANCE AND MAINTAIN, MANLINE STREET-CROSSINGS & SERVICE CONNECTIONS OUTSIDE OF THE ABOVE DESCRIBED EASEMENT PREMISES AND THE RIGHT OF ACCESS, INGRESS AND EGRESS TO AND FROM ANY OF THE WITHIN DESCRIBED PREMISES FOR EXERCISING ANY OF THE PURPOSES OF RIGHT OF WAY AND EASEMENT GRANT. ALL DWELLINGS SHALL BE RESTRICTED TO UNDERGROUND UTILITY SERVICE.**

THE UNDERSIGNED FURTHER AGREES THAT ANY USE OF IMPROVEMENTS MADE ON THIS LAND SHALL BE IN CONFORMITY WITH ALL EXISTING ZONING, PLATTING, HEALTH OR OTHER LAWFUL RULES AND REGULATIONS INCLUDING THE APPLICABLE OFF-STREET PARKING AND LOADING REQUIREMENTS OF THE CITY OF AMHERST OHIO FOR THE BENEFIT OF THEMSELVES AND ALL OTHER SUBSEQUENT OWNERS OR ASSIGNS TAKING TITLE FROM OR UNDER OR THROUGH THE UNDERSIGNED.

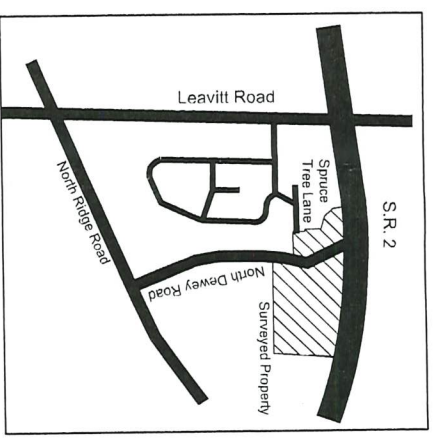
IN WITNESS WHEREOF, NORTH DEWEY ROAD EXTENSION, INC. THROUGH ITS AGENT BRITT LILLEY, HAS HERETO SET HIS HAND AT _____ OHIO THIS _____ DAY OF _____ 20__.

BY: BRITT LILLEY
 AGENT FOR NORTH DEWEY ROAD EXTENSION, INC.

STATE OF OHIO)
 COUNTY OF LORAIN)
 BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED BRITT LILLEY AGENT FOR NORTH DEWEY ROAD EXTENSION, INC., WHO ACKNOWLEDGED THAT HE DID SIGN THE FOREGOING INSTRUMENT AND THAT THE SAME IS HIS VOLUNTARY ACT AND DEED PERSONALLY AND THE VOLUNTARY ACT AND DEED OF NORTH DEWEY ROAD EXTENSION, INC.
 IN TESTIMONY WHEREOF, I HAVE HERETO SET MY HAND AND OFFICIAL SEAL AT _____ OHIO THIS _____ DAY OF _____ 20__.

NOTARY PUBLIC _____

DATE: 2/22/22
 SCALE: HOR. 1" = 60'
 VERT. 1" = 60'
 FOLDER: DWG/SURVEY
 FILENAME: Dedication/222222
 TAB: 01
 DRAWN: MRS



VICINITY MAP NOT TO SCALE



POLARIS ENGINEERING and SURVEYING, INC.
 34600 CHARDON ROAD - SUITE D
 WILLOUGHBY HILLS, OHIO 44094
 (440) 944-4433 (440) 944-3722 (Fax)
 www.polaris-es.com

DEVELOPED BY:
 North Dewey Road Extension, Inc.
 245 Brookway St.
 Amherst, OH 44001
 CONTACT: Britt Lilley

AREA TABULATION	
RIGHT-OF-WAY TO BE VACATED	1.2081 ACRES
RIGHT-OF-WAY TO BE DEDICATED	0.2468 ACRES
PARCEL 'A'	24.8032 ACRES
	25.2300 ACRES

APPROVALS

THIS PLAT IS APPROVED FOR RECORDING PURPOSES ONLY THIS _____ DAY OF _____ 20__.

MAYOR _____
 THIS PLAT IS APPROVED FOR RECORDING PURPOSES ONLY THIS _____ DAY OF _____ 20__.

CLERK OF COUNCIL _____
 THIS PLAT IS APPROVED FOR RECORDING PURPOSES ONLY THIS _____ DAY OF _____ 20__.

PLANNING COMMISSION CHAIRPERSON _____
 THIS PLAT IS APPROVED FOR RECORDING PURPOSES ONLY THIS _____ DAY OF _____ 20__.

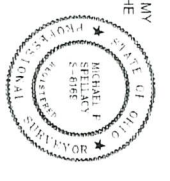
PLANNING COMMISSION SECRETARY _____
 THIS PLAT IS APPROVED FOR RECORDING PURPOSES ONLY THIS _____ DAY OF _____ 20__.

CITY OF AMHERST CONSULTING ENGINEER - AARON P. APPELL P.E.
 THIS PLAT IS APPROVED FOR RECORDING PURPOSES ONLY THIS _____ DAY OF _____ 20__.

SURVEYOR'S CERTIFICATION

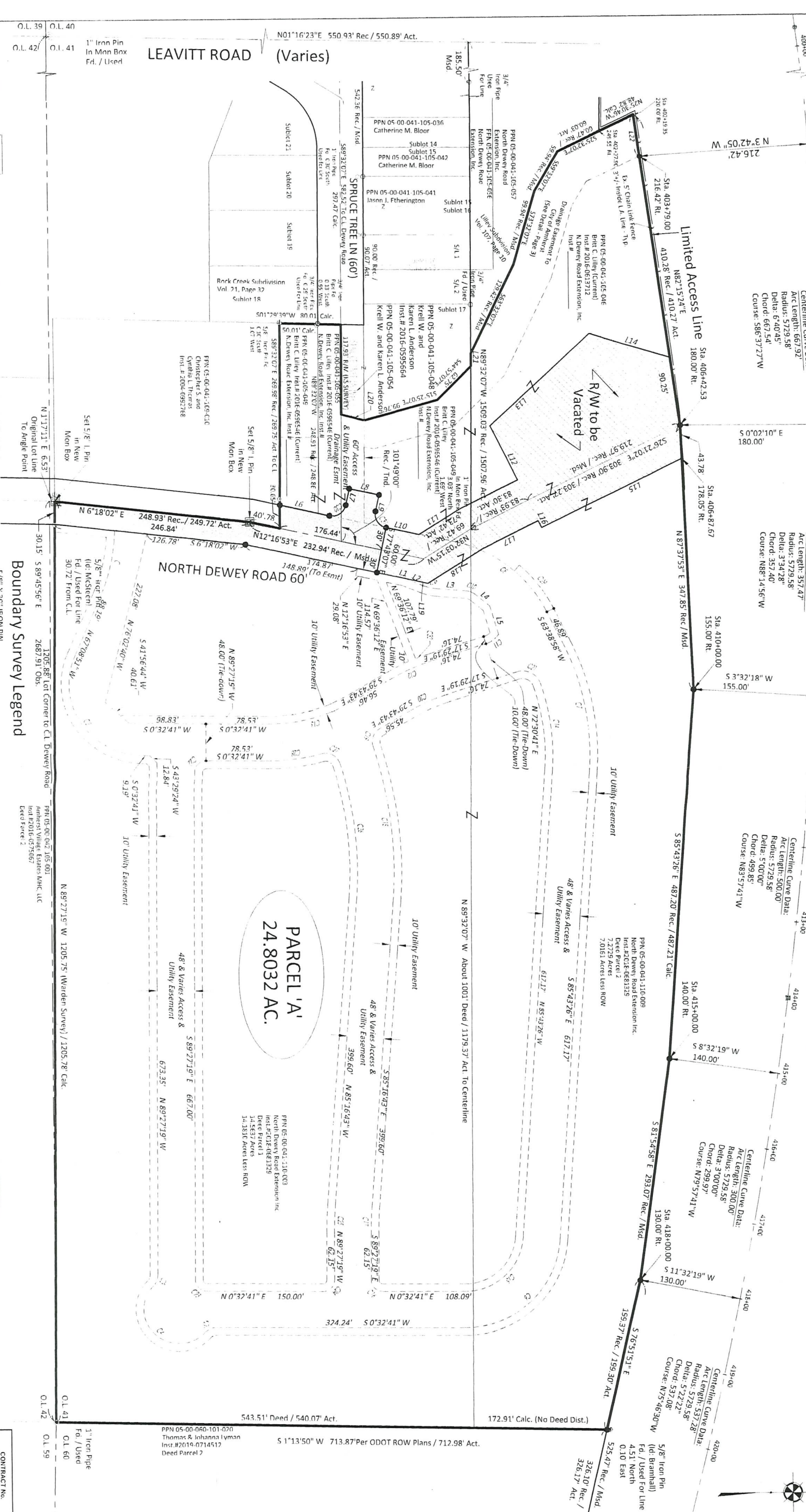
I DO HEREBY CERTIFY THAT I HAVE SURVEYED THE 26,258.2 ACRE PARCEL OF LAND IN THE CITY OF AMHERST AND PREPARED THE ATTACHED PLAT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 4733-37 OF THE OHIO ADMINISTRATIVE CODE. MONUMENTS WERE SET OR FOUND AS INDICATED. BEARINGS REFER TO THE OHIO STATE PLANE COORDINATE SYSTEM OF 1983 NORTH ZONE - 1986 ADJUSTMENT. ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF AND BASED ON A FIELD SURVEY DONE UNDER MY DIRECT SUPERVISION IN MAY OF 2017. ALL OF WHICH ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Michael F. Spellacy
 MICHAEL F. SPELLACY, P.S. NO. 8169 DATE 4/23/22



CONTRACT NO.	17043
SHEET	1
OF	3

NORTH DEWEY ROAD VACATION & DEDICATION PLAT
CITY OF AMHERST - LORAIN COUNTY - OHIO



DATE: 4/23/22
SCALE: HOR. 1" = 60'
VERT. 1" = 60'
FOLDER: DMG/SURV
FILENAME: DedicationVAC.dwg
TAB: 02
DRAWN: MFS

EXISTING R/W TO BE VACATED (1.2081 AC.)
PROPOSED R/W TO BE DEDICATED (0.4268 AC.)
PROPOSED DRAINAGE EASEMENT

Boundary Survey Legend

- 5/8" X 3/32" IRON PIN
- (ID) POLARIS SET
- ⊕ IRON PIN FOUND AS NOTED
- ⊕ IRON PIPE FOUND AS NOTED
- ⊕ MONUMENT BOX FOUND AS NOTED
- ⊕ MONUMENT BOX SET AS NOTED

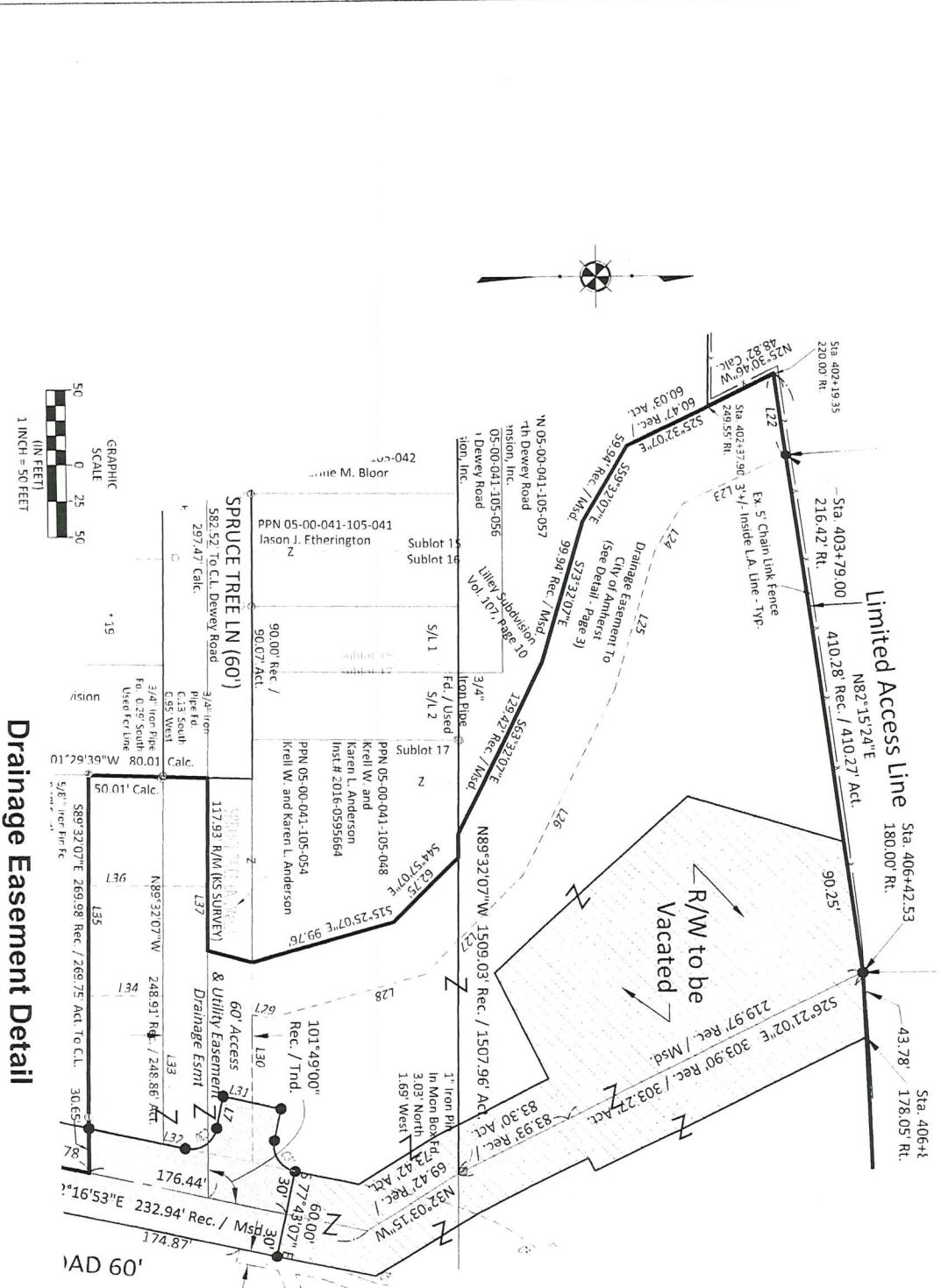
GRAPHIC SCALE

0 30 60 120 240
 1 INCH = 60 FEET

CONTRACT NO. 17043
SHEET 2 OF 3

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NORTH DEWEY ROAD VACATION & DEDICATION PLAN CITY OF AMHERST - LORAIN COUNTY - OHIO



PROPOSED DRAINAGE EASEMENT

PARCEL LINE TABLE		
LINE	LENGTH	DIRECTION
L1	36.65'	N12°16'53"E
L2	27.54'	N21°36'56"E
L3	39.56'	N4°41'13"E
L4	25.22'	N38°42'33"E
L5	39.00'	N73°34'57"E
L6	102.01'	N12°16'53"E
L7	22.00'	N77°43'07"W
L8	40.00'	N12°16'53"E
L9	22.00'	S77°43'07"E
L10	92.26'	S11°58'15"W
L11	62.69'	S32°03'15"E
L12	80.00'	N63°38'58"E
L13	177.21'	S42°44'12"E
L14	108.38'	S17°02'39"W
L15	202.18'	N26°21'02"W
L16	10.00'	N63°38'58"E
L17	81.80'	N26°21'02"W
L18	84.15'	S32°03'15"E
L19	68.72'	N12°16'53"E
L20	30.98'	N14°54'51"E
L21	16.35'	N69°32'07"W
L22	54.61'	N87°15'24"E
L23	76.26'	S25°31'31"E
L24	37.65'	S59°32'07"E
L25	96.10'	S73°32'07"E
L26	140.83'	S63°32'07"E
L27	95.00'	S44°57'07"E
L28	108.57'	S15°25'07"E
L29	12.84'	S11°08'53"W
L30	56.54'	S89°32'07"E
L31	26.07'	S12°16'53"W
L32	14.86'	S12°16'53"W
L33	99.28'	N89°32'07"W
L34	50.00'	S0°27'53"W
L35	74.39'	N89°32'07"W
L36	80.00'	N0°27'53"E
L37	43.47'	S89°32'07"E

PARCEL CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING	TANGENT
C1	86.28'	238.19'	20°45'20"	85.81'	N77°41'39"W	43.62'
C2	182.29'	93.00'	112°18'27"	154.48'	S56°41'55"E	138.68'
C3	15.25'	20.00'	43°41'27"	14.88'	N67°36'35"W	8.02'
C4	142.23'	45.00'	181°05'14"	90.00'	N43°41'32"E	4742.62'
C5	16.54'	20.00'	47°23'47"	16.08'	S23°09'12"E	8.78'
C6	186.70'	124.00'	86°16'07"	169.56'	N42°35'22"W	116.18'
C7	173.19'	324.00'	30°57'36"	171.14'	S78°57'46"W	88.72'
C8	156.00'	174.00'	51°22'04"	150.83'	S37°57'55"W	83.68'
C9	18.06'	62.00'	16°41'13"	17.99'	N13°01'49"E	9.09'
C10	10.69'	18.00'	34°01'21"	10.53'	S21°41'53"W	5.51'
C11	21.15'	32.00'	37°52'40"	20.77'	N36°25'39"W	10.98'
C12	58.53'	274.00'	12°14'24"	58.42'	S23°36'31"E	29.38'
C13	118.41'	226.00'	30°16'24"	118.03'	N14°35'31"W	61.13'
C14	113.39'	276.00'	23°32'22"	112.60'	S82°30'23"W	57.51'
C15	114.43'	76.00'	86°16'07"	103.92'	N42°35'22"W	71.21'
C16	23.56'	15.00'	90°00'00"	21.21'	N45°32'41"E	15.00'
C17	34.70'	476.00'	4°10'36"	34.65'	S87°22'01"E	17.36'
C18	208.87'	524.00'	22°50'18"	207.49'	S83°18'08"W	105.84'
C19	27.36'	20.00'	78°23'18"	25.28'	S68°55'22"E	16.31'
C20	48.28'	226.00'	12°14'24"	48.19'	S23°36'31"E	24.23'
C21	38.50'	25.00'	88°13'31"	34.80'	S26°37'27"W	24.24'
C22	23.56'	15.00'	90°00'00"	21.21'	S44°27'19"E	15.00'
C23	23.56'	15.00'	90°00'00"	21.21'	N45°32'41"E	15.00'
C24	23.56'	15.00'	90°00'00"	21.21'	N47°27'19"W	15.00'
C25	38.20'	524.00'	4°10'36"	38.19'	S87°22'01"E	19.11'
C26	181.75'	476.00'	21°52'38"	180.65'	S83°46'58"W	92.00'
C27	30.51'	20.00'	87°24'40"	27.64'	S29°08'15"W	19.12'
C28	72.27'	274.00'	15°06'43"	72.06'	N7°00'40"W	36.34'
C29	72.80'	184.00'	22°40'09"	72.23'	S52°18'53"W	36.88'
C30	28.27'	18.00'	90°00'00"	25.46'	N32°43'07"W	18.00'
C31	28.27'	18.00'	90°00'00"	25.46'	N57°16'53"E	18.00'
C32	15.67'	284.00'	3°58'04"	19.66'	S19°28'20"E	9.84'

DATE: 4/23/22
SCALE: HOR. 1" = 50'
VERT. 1" = 50'
FOLDER: DWG/SURVEY
FILENAME: DedicationPlan
TAB: 03
DRAWN: MFS



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