

ORDINANCE NO. 0-78-28

6/6/78  
AMA/sm  
C-78-22B

AN ORDINANCE VACATING CERTAIN LANDS DEDICATED IN 1957 AS PARK LAND, AND UPON VACATION AND UPON ADVERTISING, ORDERING SAID LAND SOLD TO THE HIGHEST AND BEST BIDDER AND DECLARING AN EMERGENCY.

WHEREAS, in 1957, certain lands were dedicated to the City of Amherst, Ohio, to be used as park lands; and,

WHEREAS, said lands have remained unimproved and unused by the public since 1957, and that there appears to be little or no possibility that such lands will be improved and used by the public; and

WHEREAS, Amherst City Council has received a petition from all the abutting freeholders to said lands seeking the vacation of said land.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AMHERST, COUNTY OF LORAIN, AND STATE OF OHIO:

SECTION 1. That the lands more fully described as follows:

Situated in the Village of Amherst, County of Lorain and State of Ohio and known as being "Block A" as shown in Sliman's Middle Ridge Allotment No. 3 of a part of Original Amherst Township Lot No. 35, the Plat of which is recorded in Vol. 20, Page 28 of Lorain County Map Records.

Said "Block A" is a parcel of land 266.90 feet on the north and south and 51.37 feet on the east and west as shown by said Plat.

be and the same hereby are vacated.

SECTION 2. That upon vacation, in accordance with R.C. §755.41, said lands be offered for sale to the highest and best bidder in accordance with R.C. §755.42.

SECTION 3. That upon vacation and before sale that this council shall give notice of its intention to sell such lands by a publishing once a week for four consecutive weeks in a newspaper of general circulation within the City of Amherst.

SECTION 4. That said lands shall be offered for sale at a public auction at least seven days after last publication as authorized in Section 3 above.

SECTION 5. That upon sale of said lands, the mayor be authorized to convey said lands by deed to the purchaser.

SECTION 6. That at or after the time of sale the clerk of council shall advise the auditor of the county of the lands sold hereunder who shall place said lands on the tax duplicate of the county at a value to be established by him as in cases where he re-enters property which has been tax exempt on the taxable list of the county.

**Certified as a true and exact  
copy of the original.**

*Ozga Swirski*  
Clerk of Council

0-78-28

SECTION 7. That the proceeds of sale of said lands be placed in the general fund of the Treasury of The City of Amherst, Ohio, and may be disbursed as other general monies.

SECTION 8. That it is found and determined that all formal actions of this Council concerning and relating to the passage 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, and in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 9. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of Amherst, Ohio, the immediate necessity to provide for the sale of the property owned by the city and not being used as park land and there being little or no possibility that such lands will be improved and used by the public.

WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its passage and approval.

1st reading June 12, 1978  
2nd reading \_\_\_\_\_  
3rd reading \_\_\_\_\_

PASSED June 12, 1978

ATTEST [Signature]  
Clerk

[Signature]  
PRESIDENT OF COUNCIL

June 13, 1978  
APPROVED

[Signature]  
MAYOR

APPROVED AS TO FORM BY:

[Signature]  
Alan W. Anderson, City Director of Law

Certified as a true and exact copy of the original.

[Signature]  
Clerk of Council

RECEIVED  
AMHERST CITY COUNCIL

JUN 8 1978

BY: CLERK OF COUNCIL  
RICHARD W. HORN

PETITION

Comes now the Petitioner Hillman, Inc., and The City of Amherst and request that the following described lands originally dedicated in 1957, as park land be vacated to wit:

Situated in the Village of Amherst, County of Lorain and State of Ohio, and known as being "Block A" as shown in Sliman's Middle Ridge Allotment No. 3 of a part of Original Amherst Township Lot No. 35, the Plat of which is recorded in Vol. 20, Page 28 of Lorain County Map Records.

Said "Block A" is a parcel of land 266.90 feet on the north and south and 51.37 feet on the east and west as shown by said Plat.

Said "Block A" is conveyed to the Village of Amherst for park purposes and by the filing of this deed the Village of Amherst agrees to the acceptance of said land for said park purposes.

The Petitioners state that they are the majority of the abutting freeholders and that the above described property has remained unimproved and unused by the public since 1957, and that there appears to be little or no possibility that such lands will be improved and used by the public.

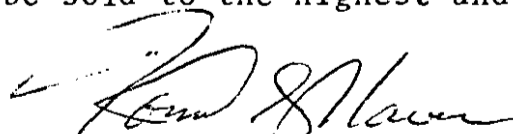
WHEREFORE, you petitioners pray that the land described as;

Situated in the Village of Amherst, County of Lorain and State of Ohio, and known as being "Block A" as shown in Sliman's Middle Ridge Allotment No. 3 of a part of Original Amherst Township Lot No. 35, the Plat of which is recorded in Vol. 20, Page 28 of Lorain County Map Records.

Said "Block A" is a parcel of land 266.90 feet on the north and south and 51.37 feet on the east and west as shown by the said Plat.

Said "Block A" is conveyed to the Village of Amherst for park purposes and by the filing of this Deed the Village of Amherst agrees to the acceptance of said land for said park purposes.

be vacated and upon vacation be sold to the highest and best bidder.



KOSMA J. GLAVAS-Attorney for  
Hillman, Inc., Petitioner  
Ashenbach, Tattersall, Gallagher  
& Glavas  
504 Lorain County Bank Building  
Elyria, Ohio 44035

Certified as a true and exact  
copy of the original.

  
Clerk of Council

0-78-28

CONSENT

To the City of Amherst  
City Hall  
Amherst, Ohio

George McDaniel and Thelma McDaniel, being the sole owners of the property in question, hereby consent to the vacation of Royal Drive and Welk Lane as shown by the plat of Sliman's Middle Ridge Allotment No. 3, revised, recorded in Volume 21, Page 33 of Lorain County Plat Records. Said vacated portions more fully described as follows:

Situated in the City of Amherst, County of Lorain, State of Ohio and being known as part of Original Amherst Township Lot 35, and also being all of Royal Drive and Welk Lane shown by the plat of Sliman's Middle Ridge Allotment No. 3 Revised, recorded in Volume 21, Page 33 of the Lorain County Plat Records, and bounded and described as follows:

Beginning at the northwesterly corner of Sublot 95 in Sliman's Middle Ridge Allotment No. 3 Revised;

Thence South  $0^{\circ} 07'$  East in the westerly line of Sublot Numbers 86 through 95, inclusive, a distance of 880.00 feet to the southwest corner of Sublot 86;

Thence South  $89^{\circ} 56'$  East in the southerly line of Sublot 86, a distance of 205.05 feet to a point in the easterly line of Sliman's Middle Ridge Allotment No. 3 Revised;

Thence South  $0^{\circ} 31'$  East in the easterly line of Sliman's Middle Ridge Allotment No. 3 Revised, a distance of 60.00 feet to the northeasterly corner of Sublot 85;

Thence North  $89^{\circ} 56'$  West in the northerly line of Sublot 85, a distance of 205.47 feet to the northwesterly corner of Sublot 85;

Thence South  $0^{\circ} 07'$  East in the westerly line of Sublot Numbers 78 through 85, inclusive, a distance of 651.49 feet to the northeasterly corner of Block A, conveyed to the Village of Amherst, recorded in Volume 710, Page 390, of the Lorain County Deed Records;

Thence South  $76^{\circ} 10'$  West in the northerly line of said parcel so conveyed to the Village of Amherst, a distance of 266.90 feet to the northwesterly corner thereof and a point in the westerly line of Sliman's Middle Ridge Allotment No. 3 Revised;

Thence North  $0^{\circ} 07'$  West in the westerly line of Sliman's Middle Ridge Allotment No. 3 Revised, a distance of 61.76 feet to the southwesterly corner of Sublot 77;

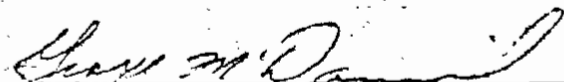
Thence North  $76^{\circ} 10'$  East in the southerly line of Sublot 77, a distance of 182.31 feet to a point of curvature;

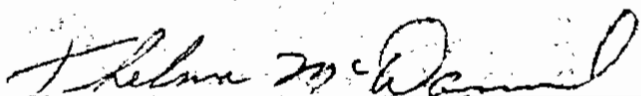
Thence in the arc of a curve which deflects to the left, a distance of 39.94 feet to the point of tangency of said curve; said curve having a radius of 30.00 feet, tangent 23.55 feet, central angle of  $76^{\circ} 17'$  chord of 37.06 feet which bears North  $51^{\circ} 44' 30''$  East;

Thence North  $0^{\circ} 07'$  West in the easterly line of Sublot Numbers 60 through 77, inclusive, a distance of 1520.87 feet to the northeasterly corner of Sublot 60;

Thence South  $89^{\circ} 56'$  East, a distance of 60.00 feet to the place of beginning;

Containing within said bounds 2.77 acres to be the same more or less, but subject to all legal highways.

  
GEORGE MCDANIEL

  
THELMA MCDANIEL

**TRANSFERRED**  
IN COMPLIANCE WITH SEC. 319-202  
OHIO REV. CODE

JUL 27 1978

  
JULIAN A. PIJOR  
LORAIN COUNTY AUDITOR

Certified as a true and exact  
copy of the original.

  
Clerk of Council