

Sponsored by:
Community Development
T. Callahan
C. Schneider
D. Mitchell
K. Oswald

ORDINANCE NO. 2024- 94

AN ORDINANCE PURSUANT TO CHAPTER 913, CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO, VACATING A PORTION OF 51ST STREET, LOCATED WEST OF LEONA STREET AND EAST OF PERKINS STREET IN THE CITY OF ELYRIA, OHIO.

WHEREAS, 51st Street, between Leona Street and Perkins Street, in the City of Elyria, Ohio, is a dedicated street; and

WHEREAS, McGregor PACE (an Ohio non-profit corporation) is the owner of real property in the City of Elyria abutting the segment of 51st Street between Leona Street and Perkins Street; and

WHEREAS, McGregor PACE has requested that a portion of 51st Street bounded and described in Section 1, be vacated pursuant to Chapter 913, Codified Ordinances of the City of Elyria, Ohio; and

WHEREAS, in the opinion of the Council, it would be conducive to the public welfare and safety, there is good cause for such vacation, and it will not be detrimental to the general interest and to the community to have said street vacated.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELYRIA, STATE OF OHIO:

SECTION 1: That the portion of the dedicated street known as 51st Street, between Leona Street and Perkins Street, located in the City of Elyria, State of Ohio and described on the attached Exhibit "A" be and the same is hereby vacated.

SECTION 2: That, notwithstanding this Ordinance, the vacated portion of 51st Street as described in Section 1 (the "Vacated Real Property") shall be subject to the following terms and conditions:

A. The reservation of a non-exclusive easement to the City of Elyria ("Elyria") upon, over and in said Vacated Real Property for sanitary and storm sewer, water mains and any other utilities purposes, as determined by Elyria, upon, over and in said Vacated Real Property; and

B. The right of Elyria to continue to maintain and operate any and all existing sanitary and storm sewers, water mains and any other utilities (the "Facilities") upon, over and in said Vacated Real Property; and

C. The continuing right of Elyria to install, inspect, alter, repair, replace, relocate, operate, remove, restore and maintain said Facilities over and in said Vacated Real Property and to enter upon, over and in said Vacated Real Property whenever Elyria determines that it is necessary for the purpose of installing, inspecting, altering, repairing, replacing, relocating, operating, removing and restoring and maintaining said Facilities; and

D. The easement rights granted herein are subject to all existing rights of any other utilities, public or private, existing upon, over and in said Vacated Real Property; and

E. The right of Elyria to enter upon and over said Vacated Real Property for any safety and emergency purposes as determined by Elyria; and

F. No person shall unreasonably restrict nor impede Elyria's right of access or any other right as provided in Section 2 hereof upon, over and in said Vacated Real Property.

G. In connection with Elyria's exercise of the easement rights reserved herein, Elyria agrees that (i) following any installation, excavation, maintenance, repair or other work by Elyria within the Vacated Real Property, the affected area will be restored by Elyria, at Elyria's sole cost and expense, and as nearly as practicable to its prior condition or otherwise to the reasonable satisfaction of the Owners (as defined hereinbelow), (ii) any and all improvements constructed by Elyria in the Vacated Real Property shall be used, operated, constructed, maintained, repaired and replaced in good, safe and operating condition, in conformity with all applicable laws and codes and otherwise consistent with generally acceptable engineering standards and (iii) Elyria shall reasonably cooperate with the Owners to coordinate exercise of Elyria's easement rights, including, without limitation, the timing thereof, so as to minimize any interference with the Owners' ongoing operations on the Vacated Real Property. Elyria and its contractors and subcontractors shall be solely responsible for the transportation, safekeeping and storage of materials and equipment used in the exercise of the easement rights granted herein, for the removal of waste and debris resulting therefrom and for the prompt repair of any damage caused by Elyria, its contractors and subcontractors, to the Vacated Real Property.

SECTION 3: The Vacated Real Property shall revert entirely to the abutting property owners (the "Owners"), as shown on Exhibit "A". The Owners shall have the right to use the Vacated Real Property for any and all purposes that do not unreasonably interfere with the exercise of Elyria's easement rights within the Vacated Real Property.

SECTION 4: That upon taking effect of this Ordinance, the Clerk of Council shall cause the plat or map attached hereto as Exhibit "B" to be transferred in the office of the County Auditor and recorded in the office of the County Recorder in the same manner as plats originally transferred and recorded.

SECTION 5: This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in meetings open to the public in compliance with Ohio Law.

PASSED: 6/3/2024


Victor F. Stewart III, President

ATTEST: 
Michael J. Lotko III, Clerk

APPROVED: 6/3/2024


Kevin A. Brubaker, Mayor

Dated: 6-3-24, 2024


Approved as to form:

 5/02/2024
Amanda R. Deery, Law Director

CERTIFICATE OF PUBLICATION

I, THE UNDERSIGNED, CLERK OF COUNCIL OF THE CITY OF ELYRIA, OHIO, HEREBY CERTIFY THAT THE FULL TEXT OF THIS FOREGOING ORDINANCE NO. 2024- 94 WAS POSTED IN THREE PLACES WITHIN THE CITY AS DETERMINED BY COUNCIL, AND THAT SUCH PLACES WERE AS FOLLOWS: CITY HALL, CENTRAL FIRE STATION, AND THE POLICE STATION.

Dated: 6/4/2024, 2024



Michael J. Lotko III, Clerk of Council
City of Elyria, Ohio

Date Presented to Mayor: 6/3/2024, 2024

EXHIBIT 'A'

**LEGAL DESCRIPTION
OF THE
PARTIAL VACATION OF 51ST STREET**

Situated in the City of Elyria, County of Lorain and State of Ohio and known as being part of 51st Street between Perkins Street and Leona Street, being part of Original Elyria Township Lot No. 32, West of Black River.

Beginning at a 3/4" iron pin in a monument box found at the intersection of the centerline of 52nd Street (50 feet wide) and the centerline of Leona Street (50 feet wide);

Thence North 00°00'00" West along the centerline of Leona Street, 25.00 feet to a point;

Thence South 89°59'15" West, 25.00 feet to a 5/8" iron pin set at the intersection of the northerly right of way of 52nd Street and the westerly right of way of Leona Street;

Thence North 00°00'00" West along the westerly right of way of Leona Street, 290.03 feet to the southerly right of way of 51st Street (50 feet wide) and being the **Principal Place of Beginning** of the vacation of 51st Street herein described;

Thence South 89°58'57" West along the southerly right of way of 51st Street, 599.85 feet to a 1" iron pipe found (0.08 feet north and 0.32 feet east) on the easterly right of way of Perkins Street (50 feet wide);

Thence North 00°00'48" East along the easterly right of way of Perkins Street, 50.00 feet to a 1-1/2" iron pipe found (0.10 feet south and 0.11 feet east) on the northerly right of way of 51st Street;

Thence North 89°58'57" East along the northerly right of way of 51st Street, 599.84 feet to point on the westerly right of way of said Leona Street;

Thence South 00°00'00" East along the westerly right of way of said Leona Street, 50.00 feet to the **Principal Place of Beginning**, containing 0.6885 acres of land as surveyed and described by Brian Siebenthal, P.S. No. 8740 of The Riverstone Company in October of 2024 and subject to all legal highways, restrictions, reservations and easements.

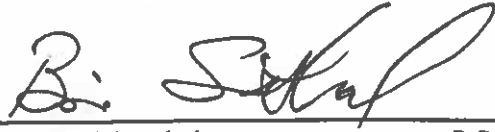
Note: All 5/8"x30" iron pins set and capped "Riverstone Company PS8646-PS8740"



RIVERSTONE

LAND SURVEYING • ENGINEERING • DESIGN

Basis of Bearings: The centerline of Leona Street as North 00°00'00" West is an assumed bearing and is used to indicate angles only.



October 2, 2024

Brian Siebenthal

P.S. No. 8740

Date

