

ORDINANCE NO. 20-193

AN ORDINANCE VACATING A PORTION OF FOURTH STREET, SOUTH OF THIRD STREET AND NORTH OF FIFTH STREET, AND LOCATED EAST OF THE ARTHUR STREET RIGHT-OF-WAY, WITHIN THE CITY, AS SET FORTH ON THE VACATION PLAT, A COPY OF WHICH IS MARKED AS EXHIBIT "A-2", ATTACHED TO THIS ORDINANCE AND INCORPORATED HEREIN.

WHEREAS, Section 723.04 of the Ohio Revised Code provides for statutory proceedings to vacate a street, alley, or portion thereof by the legislative authority upon petition by a person owning a lot in the immediate vicinity of the street or alley; and

WHEREAS, the petitioner, Robert Waldock, on behalf of BSL Holdings Ltd., and all abutting property owners are consenting to and signed the Petition for Vacation which dispensed with the notice requirement contained in Section 723.06 of the Ohio Revised Code; and

WHEREAS, the City's Engineering Department, Police Department, Fire Department and Building Department have reviewed the petition for vacation and do not object; and

WHEREAS, the Planning Commission considered this vacation request at its October 28, 2020, meeting and resolved to recommend approval of the requested vacation; and

WHEREAS, pursuant to the requirements of Section 723.04 of the Ohio Revised Code, the City Commission held a public hearing at its December 14, 2020, regularly scheduled meeting to consider the Planning Commission's recommendation for **approval** pursuant to Section 713.02 of the Ohio Revised Code; and

WHEREAS, this City Commission finds that there is good cause for such vacation as prayed for and that such vacation will not be detrimental to the general interest and is conducive to the general interests of the public and the area is no longer needed for any municipal purpose, and that it should be made; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments of the City of Sandusky, that is vacation be made; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The portion of Fourth Street, south of Third Street and north of Fifth Street, and located east of the Arthur Street right-of-way between Parcel Nos. 57-00087.000, 57-05556.000, 57-02045.000 to the north and Parcel Nos. 57-00087.000 and 57-5555.000 to the south, labeled as described on the vacation plat, with a total area of approximately .3278 acres of land, and as more fully described in the legal description and vacation plat marked Exhibits "A-1" and "A-2", attached to this Ordinance and specifically incorporated herein, be and the same are hereby

PAGE 2 - ORDINANCE NO. 20-193

vacated pursuant to the Ohio Revised Code, Section 723.08 and is a revocation of the acceptance thereof by this City Commission.

Section 2. The said vacations be and hereby are subject to the permanent easements for public utility purposes in such vacated premises as set forth in Section 723.041 of the Ohio Revised Code.

Section 3. The Clerk of the City Commission be instructed to endorse upon the plats, the City Commission action in vacating such portion of the street and alley and to cause said plats to be recorded in the office of the Erie County Recorder and to notify the Auditor of Erie County of such vacations, by sending a copy of this Ordinance.

Section 4. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 6. That for the reasons set forth in the preamble hereto, this Ordinance shall take effect at the earliest time allowed by Law.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

MCKENZIE E. SPRIGGS
CLERK OF THE CITY COMMISSION

Passed: December 28, 2020 (effective after 30 days)

DESCRIPTION FOURTH STREET VACATION

Situated in part of Frederick Klein's Subdivision of part of Outlot Number 31 and Outlot Number 32 east of Sycamore Line as per plat recorded in Volume 3 Page 27 of the Erie County Records, Ward 2, City of Sandusky, Erie County, Ohio, and being more particularly described as follows;

Commencing at an iron pin found at the northeasterly corner of Lot Number 7 in said Frederick Klein's Subdivision, said point being on the southerly right of way line of Third Street;

Thence North $89^{\circ}-56'-00''$ West, along the northerly line of said Lot Number 7 and the southerly right of way line of Third Street, a distance of 142.80 feet to a point at the northwesterly corner of said Lot Number 7, said point also being on the easterly right of way line of vacated Arthur Street being Ordinance No. 87-118 as per deed recorded in Volume 539 Page 214 and Page 215 of the Erie County Records;

Thence South $00^{\circ}-00'-00''$ West, along the westerly line of said Lot Number 7 and the westerly line of Lot Number 5 in said Frederick Klein's Subdivision and the easterly right of way line of said vacated Arthur Street, a distance of 280.50 feet to a point at the southwesterly corner of said Lot Number 5, being the southwesterly corner of a parcel of land now or formerly owned by BSL Holdings LTD. as per deed recorded in RN201311232 (Parcel No. 2) of the Erie County Records, said point also being the principal place of beginning for this description;

1. Thence South $89^{\circ}-56'-00''$ East, along the southerly line of said Lot Number 5 and said BSL Holdings LTD. parcel and the southerly line of Lot Number 6 in said Frederick Klein's Subdivision, being the southerly line of a parcel of land now or formerly owned by Robert and Deborah Herold as per deed recorded in RN200202057 (Parcel No. 3) of the Erie County Records, a distance of 285.60 feet to a point at the southeasterly corner of said Lot Number 6, said point being on the westerly line of a parcel of land now or formerly owned by BSL Holdings LLC. as per deed recorded in RN200711348 of the Erie County Records;

2. Thence South $00^{\circ}-00'-00''$ West, along the westerly line of said BSL Holdings LTD. parcel, a distance of 50.00 feet to a point at the northeasterly corner of Lot Number 4 in said Frederick Klein's Subdivision, being the northeasterly corner of a parcel of land now or formerly owned by Robert and Deborah Herold as per deed recorded in RN200202057 (Parcel No. 2) of the Erie County Records;

3. Thence North $89^{\circ}-56'-00''$ West, along the northerly line of said Lot Number 4 and said Herold parcel and the northerly line of Lot Number 3 in said Frederick Klein's Subdivision, being the northerly line of a parcel of land now or formerly owned by BSL Holdings LTD. as per deed recorded in RN201311232 (Parcel No. 1) of the Erie County Records, a distance of 285.60 feet to a point at the northwesterly corner of said Lot Number 3, said point being on the easterly right of way line of said vacated Arthur Street;

4. Thence North $00^{\circ}-00'-00''$ East, along the easterly right of way line of said vacated Arthur Street, a distance of 50.00 feet to the place of beginning and containing 0.3278 acres of land, but subject to all easements and restrictions of record.

In the above description the courses were referred to a meridian assumed for the purpose of indicating angles only.

This description was prepared by David A. Williams, Registered Surveyor No. 7166 and was taken from matters of record and not an actual field survey on September 2, 2020.



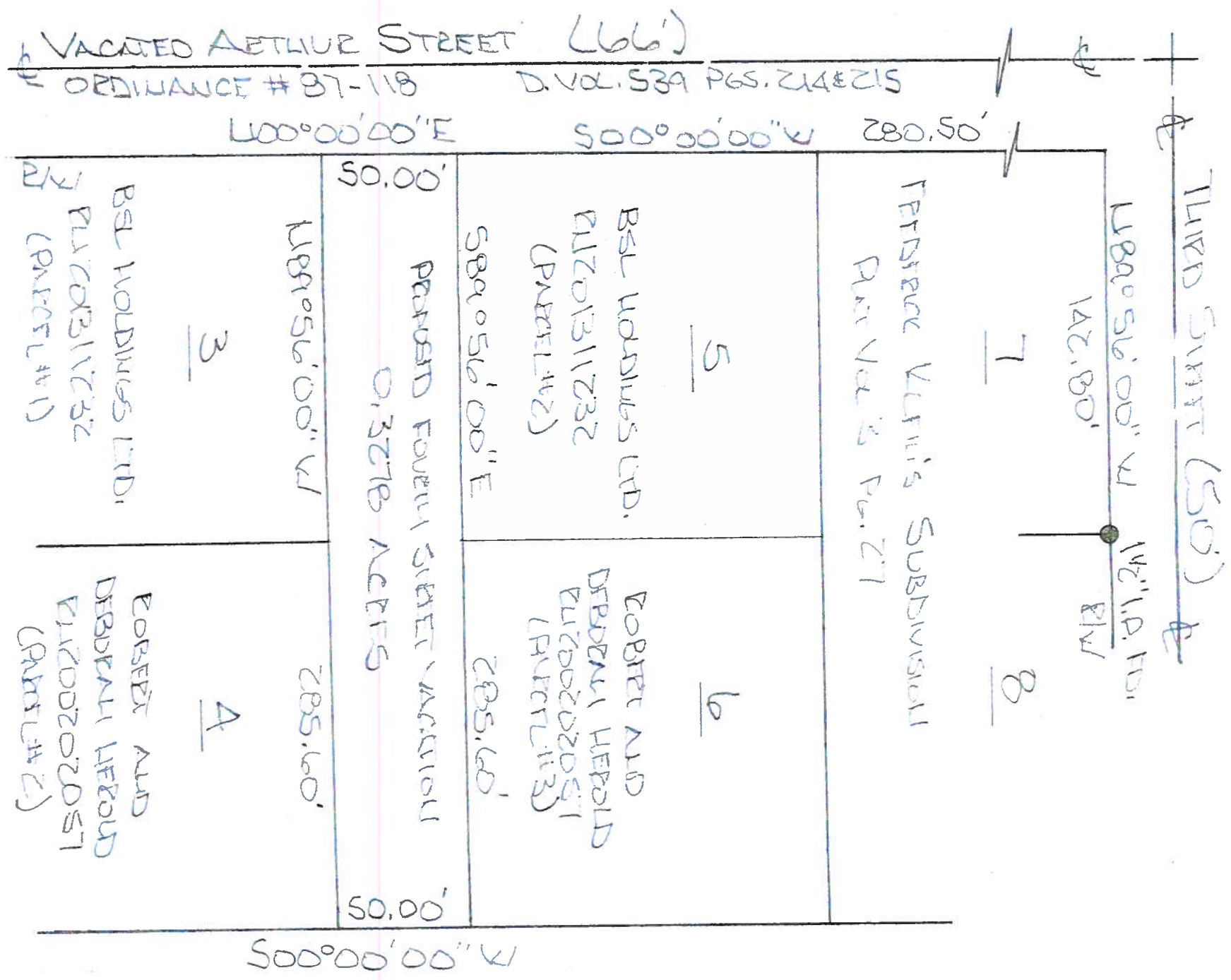
David A. Williams

Registered Surveyor No. 7166

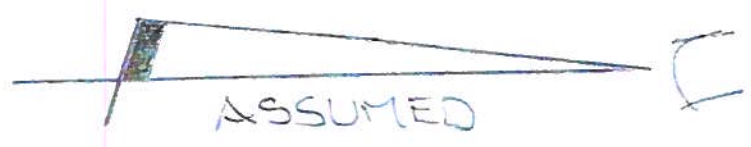
APPROVED as per Erie County Requirements
And Sections 4733-37 thru 4733-37-07 of the Ohio
Administrative Code only. No Field Verifications
for Accuracy made.

Engineer/Surveyor, Erie County Engineer's

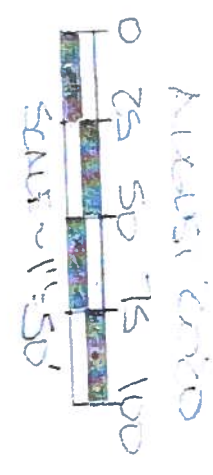
Date: 9-03-2020



BSL HOLDINGS LTD.
 PL200711348



PLEASE
 BEING PART OF FERDINAND VERRILLI'S
 SUBDIVISION OF PART OF DONALD
 ADAMS'S 31 AND 32 FEAS. OF
 SECTION 11, TWP. 13 N., R. 21 E.,
 RANGE 14, CO. OF SANDUSKY
 TWP. COUNTY, OHIO



David A. Williams
 DAVID A. WILLIAMS
 REG. SURVEYOR # 7166

APPROVED as per Erie County Requirements
 And Sections 4733-37 thru 4733-37-07 of the Ohio
 Administrative Code only. No Field Verifications
 for Accuracy made.
Eric County Engineer's
 Engineer/Surveyor: Eric County Engineer's
 Date: 9-03-2020