

**ORDINANCE NO. 20-194**

**AN ORDINANCE VACATING A PORTION OF AN ALLEY LOCATED SOUTH OF 1404-1424 THIRD STREET, WITHIN THE CITY, AS SET FORTH ON THE VACATION PLAT, A COPY OF WHICH IS MARKED 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 an alley located south of 1404-1424 Third Street (Parcel Nos. 57-00419.000, 57-02037.000, 57-02039.000, 57-05552.000, and 57-05554.000) and north of Fourth Street (Parcel Nos. 57-00087.000, 57-05556.000, and 57-02045.000), labeled as described on the vacation plat, with a total area of approximately 0.1082 acres of land, more or less, 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 vacated

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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 vacation be and hereby is 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 plat, the City Commission action in vacating such portion of the street and to cause said plat to be recorded in the office of the Erie County Recorder and to notify the Auditor of Erie County of such vacation, 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.



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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 ALLEY 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°-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, being the northwesterly corner of a parcel of land now or formerly owned by BSL Holdings LTD. as per deed recorded in RN202006790 of the Erie County Records, 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°-00'-00" West, along the westerly line of said Lot Number 7 and said BSL Holdings LTD. parcel and along the easterly right of way line of said vacated Arthur Street a distance of 132.00 feet to a point at the southwesterly corner of said Lot Number 7, said point being the principal place of beginning for this description;

1. Thence South 89°-56'-00" East, along the southerly line of said Lot Number 7 and said BSL Holdings LTD. parcel and the southerly line of a parcel of land now or formerly owned by Proactive Home Buyers LLC. as per deed recorded in RN201509332 of the Erie County Records and the southerly line of Lot Number 8 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 deeds recorded in RN201405071, RN200215404 and RN200202057 (Parcels No. 1 and No. 4) of the Erie County Records, a distance of 285.60 feet to a point at the southeasterly corner of said Lot Number 8, said point being on the westerly line of a parcel of land now or formerly owned by BSL Holdings LTD. as per deed recorded in RN200711348 of the Erie County Records;

2. Thence South 00°-00'-00" West, along the westerly line of said BSL Holdings LTD. parcel, a distance of 16.50 feet to a point at the northeasterly corner of Lot Number 6 in said Frederick Klein's Subdivision, being the northeasterly corner of a parcel of land now or formerly owned by Robert and

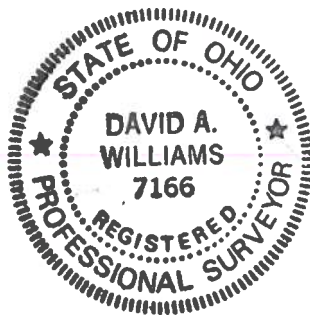
Deborah Herold as per deed recorded in RN200202057 (Parcel No. 3) of the Erie County Records;

3. Thence North  $89^{\circ}-56'-00''$  West, along the northerly line of said Lot Number 6 and said Herold parcel and the northerly line of Lot Number 5 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. 2) of the Erie County Records, a distance of 285.60 feet to a point at the northwesterly corner of said Lot Number 5, 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 16.50 feet to the place of beginning and containing 0.1082 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

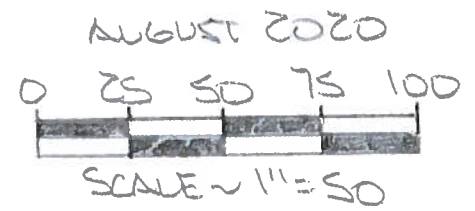
APPROVED as per Erie County Requirements  
And Sections 4733-37 thru 4733-37-07 of the Ohio  
Administrative Code only. No Field Verifications  
for Accuracy made.

Engineer/Surveyor: Erie County Engineer's

Date: 9-03-2020

PLAT

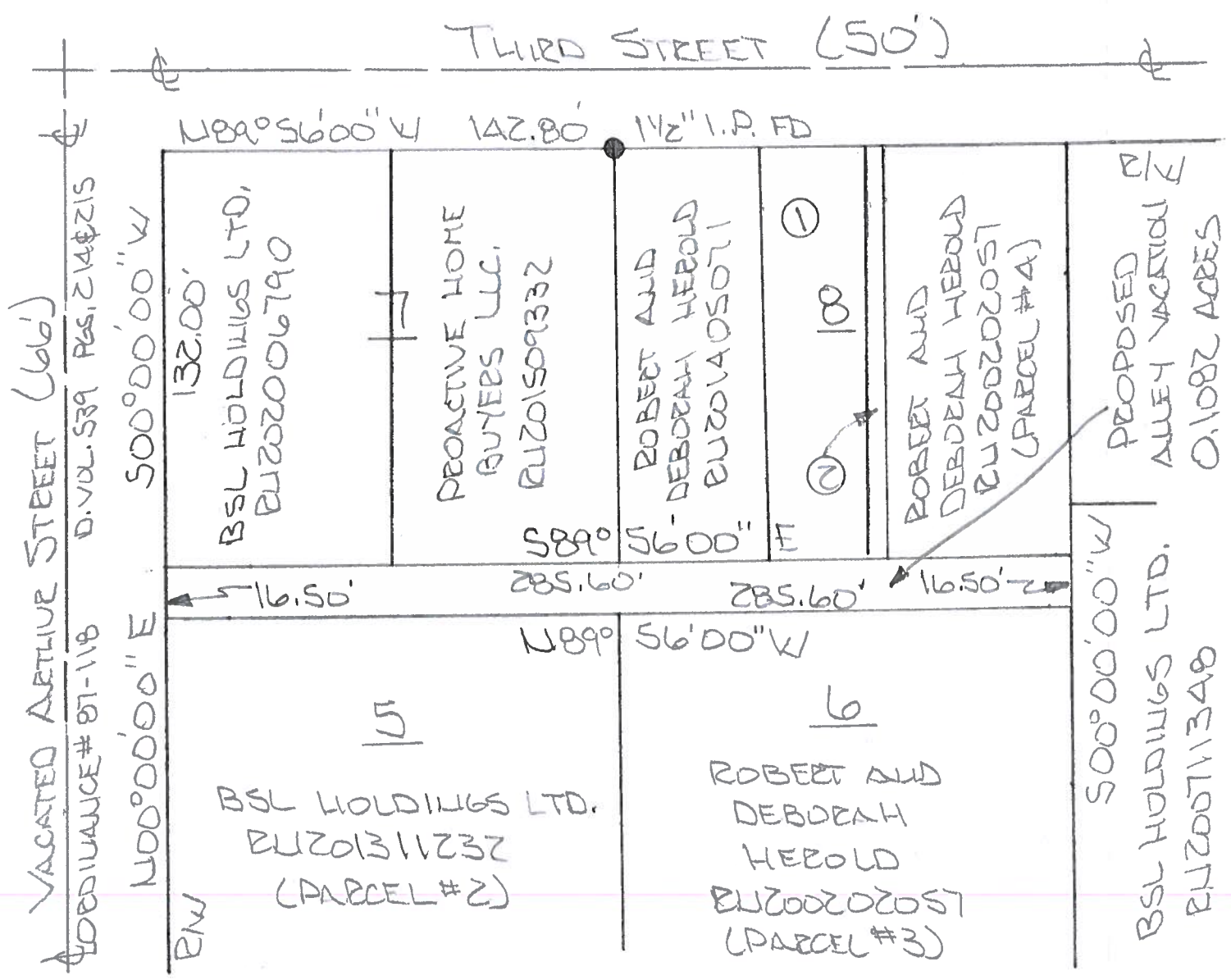
BEING PART OF FREDERICK KLEIN'S  
SUBDIVISION OF PART OF OUTLOT  
NUMBERS 31 AND 32 EAST OF  
SYCAMORE LINE PLAT VOL 3 PG. 27  
SECOND WARD CITY OF SANDUSKY  
ERIE COUNTY, OHIO



*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.

*Chris D. Farnsworth*  
Engineer/Surveyor, Erie County Engineer's  
Date: 9-03-2020



FREDERICK KLEIN'S SUBDIVISION  
PLAT VOL. 3 PG. 27

- ① ROBERT AND DEBORAH HEBOLD EU200215404
- ② ROBERT AND DEBORAH HEBOLD EU200202057 (PARCEL #1)