

ORDINANCE NO. 23-198

AN ORDINANCE AMENDING ORDINANCE NO. 22-263, PASSED ON DECEMBER 21, 2022; VACATING A PORTION OF CHURCH STREET, EXTENDING SOUTH BETWEEN 4904 WARD STREET AND 4808 WARD STREET, 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; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission approved vacating a portion of Church Street, extending south between 4904 Ward Street and 4808 Ward Street, within the City, by Ordinance No. 22-263, passed on December 21, 2022; and

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, Dennis Grahl, 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 Ordinance was not recorded as it was necessary to clarify the split between the adjoining property owners; and

WHEREAS, adjoining property owner, the Commons of Providence, waived their right and interest in 1/3rd of the vacated land and therefore, the portion of the proposed vacation will be split between the abutting properties located at 4904 Ward Street and 4808 Ward Street pursuant to Ohio law; and

WHEREAS, the City's Engineering Department, Police Department, Fire Department and Building Department have reviewed the petition for vacation and do not object but the City Engineer indicated a storm sewer line running parallel through the right-of-way exists and a minimum twenty foot (20') easement (10' on each side of pipe) must be granted to the City and would restrict any building and/or construction of any structure within the twenty foot (20') easement; and

WHEREAS, the Planning Commission considered this vacation request at its April 27, 2022, 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 May 23, 2022, 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

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WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately amend Ordinance No. 22-263 so the vacation can be recorded accurately; 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 the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. This City Commission hereby amends Ordinance No. 22-263, passed on December 21, 2022.

Section 2. The portion of Church Street, extending south between 4904 Ward Street, Parcel No. 60-00036.000 to the north and 4808 Ward Street, Parcel Nos. 60-00420.000 and 60-00137.000, to the south, labeled as described on the vacation plat, with a total area of approximately .2318 acres of land, and as more fully described in the legal descriptions 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 pursuant to the Ohio Revised Code, Section 723.08 and is a revocation of the acceptance thereof by this City Commission.

Section 3. 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 4. 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 5. 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 6. This City Commission finds and determines that all formal

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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 7. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: October 9, 2023

ROAD VACATION PARCEL A DESCRIPTION

Situated in part of Church Street in the Village of Venice as per deed recorded in Volume 364 Page 314, now in the City of Sandusky, Erie County, Ohio, and being more particularly described as follows;

Commencing at an iron pin found at the intersection of the southwesterly right of way line of Ward Street with northwesterly right of way line of Church Street and being the most easterly corner of Lot Number 7 in said Village of Venice now or formerly owned by Castalia Holdings, LLC. as per deed recorded in RN202113120 of the Erie County Records, said point being the principal place of beginning for this description;

1. Thence South 53°-40'-00" East, a distance of 33.33 feet to an iron pin found on the centerline of Church Street;
2. Thence South 36°-02'-05" West, along the centerline of Church Street, a distance of 151.47 feet to an iron pin found on the northeasterly line of a parcel of land now or formerly owned by The Commons Of Providence as per deed recorded in RN9919043 of the Erie County Records;
3. Thence North 54°-13'-53" West, along the northeasterly line of said Commons Of Providence parcel, a distance of 33.33 feet to an iron pin found at the most southerly corner of said Lot Number 7, being on the northwesterly right of way line of Church Street;
4. Thence North 36°-02'-05" East, along the southeasterly line of said Lot Number 7 and the northwesterly right of way line of Church Street, a distance of 151.80 feet to the place of beginning and containing 0.1160 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 an actual field survey performed on January 19, 2022.

David A. Williams

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.

Michal J. Farrell

Engineer/Surveyor: Erie County Engineer's

Date: 1-21-2022

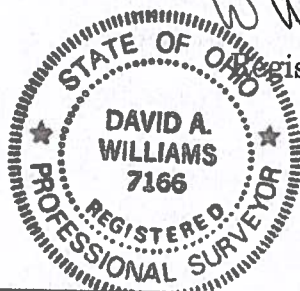


Exhibit "A-1"

APPROVED BY THE PLANNING
AND ZONING DEPARTMENT
CITY OF SANDUSKY, OHIO

DATE *all* 9-27-23

ROAD VACATION PARCEL B DESCRIPTION

Situated in part of Church Street in the Village of Venice as per deed recorded in Volume 364 Page 314, now in the City of Sandusky, Erie County, Ohio, and being more particularly described as follows;

Commencing at an iron pin found at the intersection of the southwesterly right of way line of Ward Street with northwesterly right of way line of Church Street and being the most easterly corner of Lot Number 7 in said Village of Venice now or formerly owned by Castalia Holdings, LLC. As per deed recorded in RN202113120 of the Erie County Records;

Thence South $53^{\circ}-40'-00''$ East, a distance of 33.33 feet to an iron pin found on the centerline of Church Street, said point being the principal place of beginning for this description;

1. Thence South $53^{\circ}-40'-00''$ East, a distance of 33.33 feet to a point at the most northerly corner of Lot Number 8 in said Village of Venice now or formerly owned by Dennis and Valerie Grahl as per deed recorded in RN200409081 of the Erie County Records and being at the intersection of the southeasterly right of way line of Church Street with the southwesterly right of way line of Ward Street;

2. Thence South $36^{\circ}-02'-05''$ West, along the northwesterly line of said Lot Number 8 and the southeasterly right of way line of Church Street, a distance of 151.14 feet to a point at the most westerly corner of said Lot Number 8 and being on the northeasterly line of a parcel of land now or formerly owned by The Commons Of Providence as per deed recorded in RN9919043 of the Erie County Records;

3. Thence North $54^{\circ}-13'-53''$ West, along the northeasterly line of said Commons Of Providence parcel, a distance of 33.33 feet to an iron pin found on the centerline of Church Street;

4. Thence North $36^{\circ}-02'-05''$ East, along the centerline of Church Street, a distance of 151.47 feet to the place of beginning and containing 0.1158 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 an actual field survey performed on January 19, 2022.



David A. Williams

A handwritten signature in black ink that reads "David A. Williams".

Registered Surveyor No. 7166

**APPROVED BY THE PLANNING
AND ZONING DEPARTMENT
CITY OF SANDUSKY, OHIO**

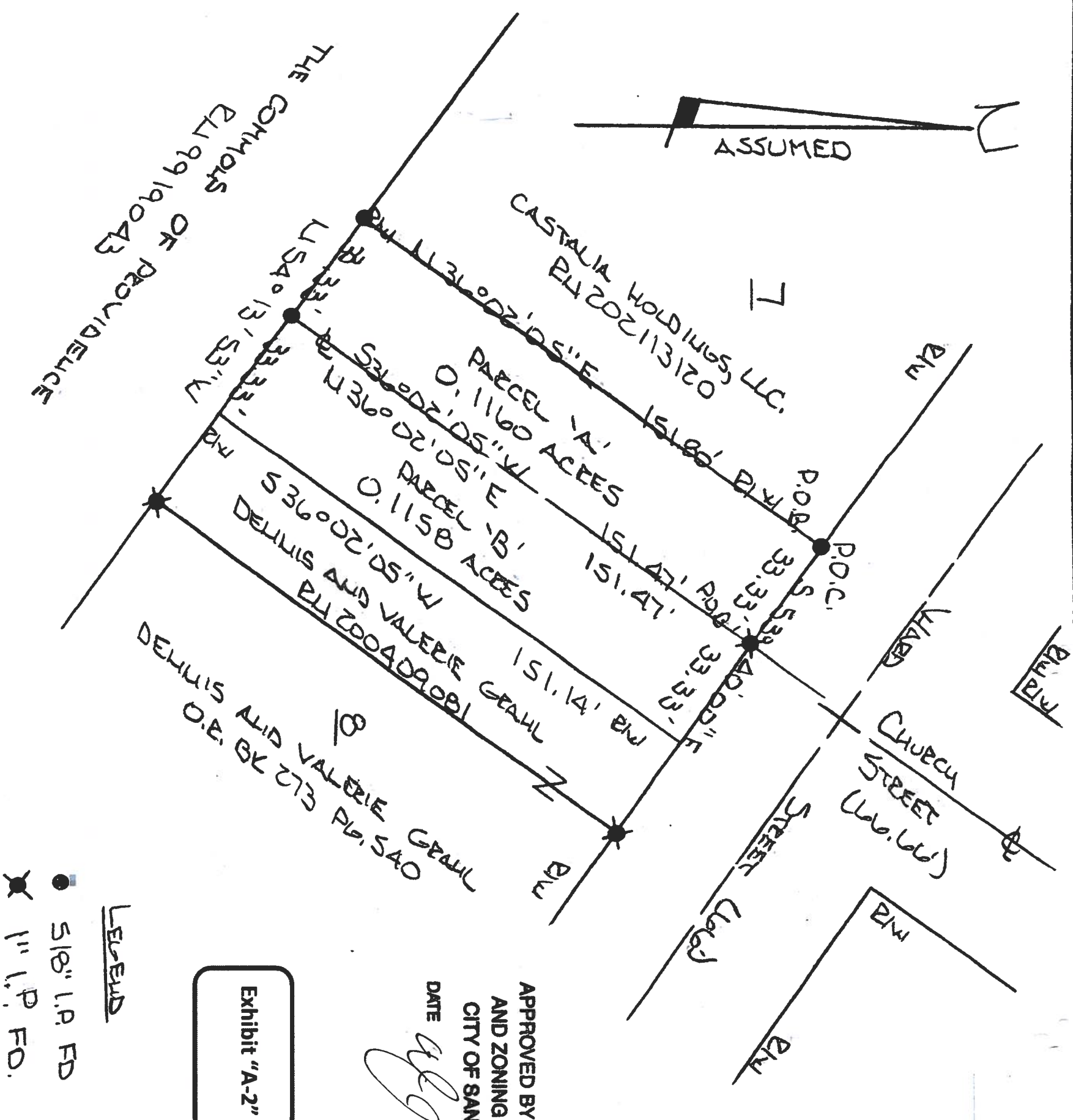
DATE *alg* 9-27-23

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.

A handwritten signature in black ink that reads "Michael T. Farrell".

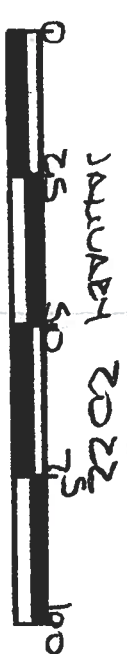
Engineer/Surveyor: Erie County Engineer's

Date: 1-20-2022



Part Of A Survey

BEING PART OF CHURCH STREET
IN THE VILLAGE OF VILLICE
DEED NUMBER 31A PAGE 31A
NOW IN THE CITY OF SANDUSKY
ERIE COUNTY, OHIO



SCALE ~1"=30'

JANUARY 2022

APPROVED BY THE PLANNING
AND ZONING DEPARTMENT
CITY OF SANDUSKY, OHIO

DATE 9-27-23



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

Exhibit "A-2"

LEGEND

- 5/8" L.P. FD
- ✘ 1" L.P. FD.

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.

Michael T. Fennell
Michael T. Fennell
Engineer/Surveyor: Erie County Engineer's
Date: 1-20-2022