

# THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 15-38

INTRODUCED BY: Mayor Stefanik

## AN ORDINANCE VACATING THE FORMER ETHEL AVENUE IN THE CITY OF NORTH ROYALTON, AND DECLARING AN EMERGENCY

- WHEREAS: The city has acquired two parcels of land adjacent to the former Ethel Avenue and Memorial Park in an effort to continue to make improvements to Memorial Park and wishes to incorporate the improvements of the park into these adjacent parcels; and
- WHEREAS: In order to comply with state building code requirements and clear the title of the real property of any defects or potential defects it is necessary to vacate the former Ethel Avenue; and
- WHEREAS: ORC 723.05 authorizes Council to vacate a street if there is determined to be good cause and if it will not be detrimental to the general interest of the public; and
- WHEREAS: Article XII (d) of the Charter of the City of North Royalton requires that this legislation be referred to the Planning Commission so that a Public Hearing may be conducted thereon; and
- WHEREAS: It has been determined that vacating the former Ethel Avenue is in the best interest of the City of North Royalton.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Council finds that there is good cause for the vacation of the former Ethel Avenue, as described in Exhibit A, and that such vacation will not be detrimental to the general interest of the public and that such vacation ought to be made.

Section 2. A legal description of the former Ethel Avenue parcel is attached hereto as Exhibit B.

Section 3. The former Ethel Avenue as described in Exhibit A is hereby vacated subject to the reservation to the City of North Royalton and other public utility companies of a permanent easement(s) in such vacated street for the purpose of maintaining, operating, renewing, reconstructing, and/or removing any sewer or other public or private utility facilities therein and for the purposes of ingress, egress and access to said facilities.

Section 4. Said vacation is subject to the approval by the City Engineer of the vacation plat and any permanent easements necessary to be recorded thereon, and along with other city officials, same are hereby authorized to endorse upon such plat the action of this Council vacating the former Ethel Avenue and to cause said plat to be recorded in the office of the Cuyahoga County Recorder.

Section 5. The Director of Legislative Services is directed to notify the Fiscal Officer of Cuyahoga County of the vacation of the former Ethel Avenue by sending him/her a copy of this ordinance.

Section 6. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 7. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to vacate the former Ethel Avenue in order to continue to make improvements to Memorial Park and to incorporate the improvements of the park into the adjacent parcels.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Larry Antoskiewicz  
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert Stefanik  
MAYOR

DATE PASSED: May 5, 2015

DATE APPROVED: May 6, 2015

ATTEST: /s/ Laura J. Haller  
DIRECTOR OF LEGISLATIVE SERVICES

First reading March 17, 2015  
Second reading April 7, 2015  
Third reading May 5, 2015

YEAS: Antoskiewicz, Nickell, Petrusky, Langshaw,  
Marnecheck, Muller, Kasaris

NAYS: none