

NANCY E. FELLOWS  
*President of Council*

JOHN PLECNIK  
*Vice President of Council*

VICTORIA ANN SAVAGE, CMC  
*Clerk of Council*

# City of Willoughby Hills

*Council*  
CHRISTOPHER L. BIRO  
DAVID M. FIEBIG  
JENNIFER SOMMERS GREER  
CHRISTOPHER HALLUM  
JANET R. MAJKA

## ORDINANCE NO. 2016-61

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### **AN ORDINANCE FOR THE VACATION OF COVERT DRIVE PRESENTLY EXISTING AS A PAPER STREET, NEITHER PAVED OR IMPROVED, IN THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.**

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**WHEREAS**, Covert Drive presently exists as a “paper” street (i.e. neither paved or improved) in the City of Willoughby Hills; and

**WHEREAS**, the City of Willoughby Hills is in receipt of a letter dated September 21, 2016 submitted by the Western Reserve Land Conservancy, in conjunction with the Sivazlian family and Lake Metroparks, respectfully requesting the vacation of Covert Drive; and

**WHEREAS**, as stated in the above mentioned letter of September 21, 2016, attached hereto as the “**Exhibit A**”, consisting of four (4) pages, the purpose of the request is two-fold; first the Land Conservancy wishes to remove what should be considered a paper street and thereby allow for the subdivision of parcel 31A-2A-1 as this is required in order to create a separate eight-acre house lot and currently cannot be accomplished because the right-of-way runs across the proposed house lot and a subdivision may not occur around a right-of-way; and

**WHEREAS**, the Land Conservancy will retain the home and eight acres; the remainder of the land (approximately 45 acres) will eventually transfer to Lake Metroparks; and

**WHEREAS**, the second purpose of the vacation is to prevent future installation of the road, thus protecting the natural resources on the property; and

**WHEREAS**, in addition to the Sivazlians, two other property owners, the Covert/Kerrs and Vincents, about the subject right-of-way and have been properly notified by Jones Surveying informing them of the request to vacate Covert Drive; and

**WHEREAS**, letters of consent were received from Mark E. Sivazlian, Fimy S. Sahaida, Hilaria Covert Kerr, James Kerr and Leah Anne Vincent; and

**WHEREAS**, on October 20, 2016 the Planning & Zoning Commission unanimously passed a motion recommending to Council that Covert Drive (a paper street) located at 37250 Chardon Road be vacated contingent on the requirements read into the minutes by the City Engineer: (1) the sale of property currently owned by Mark & Fimy Sivazlian, located adjacent to the Covert Drive right-of-way, officially closes and the Western Reserve Land Conservancy is identified as the official owner by Lake County records, and applicant for this request; (2) the vacation plat is updated to reflect the current property owner names at the time of recording; (3) the applicant shall comply with other applicable requirements of the City Administration and Council; (4) written confirmation is provided that affected property owners have been notified; (5) this approval shall stay in effect for 90 days, after which the applicant may request an extension; and

**WHEREAS**, due to the following timing constraints and grant requirements, Western Reserve Land Conservancy respectfully requests suspension of the Three Reading Rule and asks that Council adopt the ordinance as of November 10, 2016: (1) Lake Metroparks needs to close the transaction this year and grant funding is tied to a specific acreage; (2) Western Reserve Land Conservancy cannot provide that specific acreage without the lot split creating the home lot and the natural area; (3) Western Reservice Land Conservancy cannot accomplish the lot split without the road vacation.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:**

**SECTION 1.** The Council of the City of Willoughby Hills finds and determines that vacating Covert Drive, as described in the Petition and this Ordinance will not be detrimental to the general interest of the citizens and residents of the City.

**SECTION 2.** The Council of the City of Willoughby Hills finds and determines that there is no requirement to maintain Covert Drive for public use.

**SECTION 3.** Covert Drive as shown on the vacation plat, consisting of one (1) page, attached hereto as the "Exhibit B", be, and the same hereby is, vacated.

**SECTION 4.** In accordance with Section 711.39, the City Engineer and Clerk of Council are hereby authorized to endorse upon such plat the action of this Council in vacating Covert Drive and to cause said plat to be recorded in the Office of the Recorder of Lake, County, Ohio.

**SECTION 5.** The petitioners shall be responsible for the filing of, including all costs associated in the recording of this ordinance with the Recorder of Lake County and any other agency where recording may be necessary.

**SECTION 6.** The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

**SECTION 7.** This ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills insofar as it provides for the usual daily operation of the municipality; to wit: to keep within the timing constraints and accommodate grant requirements as stated within this ordinance the Land Conservancy will be able to begin the closing process within days of the road vacation approval by Council; wherefore, this ordinance shall be in full force and take effect from and after its passage and approval by the Mayor.

PASSED: November 10, 2016

Nancy E. Fellows  
Nancy E. Fellows  
President of Council

Submitted to the Mayor for his approval on this 10 day of November, 2016

Approved by the Mayor  
November 10, 2016

ATTEST:  
Victoria Ann Savage  
Victoria Ann Savage, GMC  
Clerk of Council

Robert M. Weger  
Robert M. Weger  
Mayor