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Clerk of Council

City of Willoughby Hills

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ORDINANCE NO. 2009-55

AN ORDINANCE ACCEPTING THE RELEASE OF AN EASEMENT IN WILLOUGHBY HILLS INITIALLY GRANTED TO THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, OHIO AND RECORDED IN VOLUME 580, PAGE 196 OF THE LAKE COUNTY RECORDS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

WHEREAS, on September 27, 1962 Council adopted Resolution No. 1962-26 permitting an easement to Lake County for sewer disposal works on Sublot 32 in Sleepy Hollow Estates Subdivision; and

WHEREAS, on October 20, 1962, the Village of Willoughby Hills granted the Board of Commissioners of Lake County, Ohio an easement as recorded in Volume 580, Page 196 of the Lake County Records; and

WHEREAS, on February 23, 2009 City Council adopted Ordinance No. 2009-6 authorizing and directing the Mayor to enter into a Real Estate Purchase Agreement for the sale of certain property located at 35360 Martin Road, Permanent Parcel No. 31A004C000150; and

WHEREAS, said real estate previously served as a wastewater treatment plant and a pumping station which has since been abandoned and gravity sewers have been installed; and

WHEREAS, the City Engineer had determined that there is no public purpose and or need for this easement; and

WHEREAS, in furtherance of Ordinance No. 2009-6, the City of Willoughby Hills wishes to file and record said release with the understanding that a new easement be granted to the City by the purchasers of certain property located at 35360 Martin Road for storm sewer and drainage purposes.

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

SECTION 1. In furtherance of the sale of real property with a mailing address of 35360 Martin Road, Willoughby Hills, Ohio, Lake County Permanent Parcel Number 31A004C000150, the Mayor be and is hereby authorized and directed to accept said ***Release of Easement***, declared by a Resolution of the Lake County Commissioners, attached hereto as Exhibit A, consisting of two (2) pages. Said easement was initially granted to the Board of Commissioners of Lake County, Ohio as stated in Resolution No. 1962-26 and recorded in Volume 580, Page 196 of the Lake County Records.

SECTION 2. 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 of 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.

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SECTION 3. 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 a Municipal Department, and further reason being that this Ordinance is required in order to proceed with and thereby finalize the sale of real estate located at 35360 Martin Road, Willoughby Hills, Ohio; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: May 28, 2009

Submitted to the Mayor for his approval
on this 28 day of May, 2009

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

Kevin D. Malecek
Kevin D. Malecek
President of Council

Approved by the Mayor

May 28, 2009

Robert M. Weger
Robert M. Weger
Mayor

ORDINANCE NO. 2009-55

I, Victoria Ann Savage, Clerk of Council for the City of Willoughby Hills, Lake County, Ohio do hereby certify that the foregoing **Ordinance No. 2009-55** was duly and regularly passed by the Council of the City of Willoughby Hills, Lake County, Ohio at a meeting held on **May 28, 2009**.

That this legislation was posted according to law and duly advertised pursuant to Ordinance No.2003-19 in the Lake County News-Herald on June 3, 2009. Effective date of Legislation: May 28, 2009.

Victoria Ann Savage, CMC
Clerk of Council