

ORDINANCE NO. 04 - 2026

**AN ORDINANCE APPROVING THE VACATION OF
ROADWAY EASEMENTS ON PERMANENT PARCEL NO.
02-A-002-0-00-006-0; AND DECLARING AN EMERGENCY.**

WHEREAS, the Village of Madison was granted permanent roadway easements of eighty (80') and sixty (60') feet in width by dedication plat for the Sidley Business Park – Phase One recorded on July 19, 2007 in Vol. 55, Pg. 16, of the Lake County Plat Records, as shown on Exhibit 1 attached hereto and incorporated herein; and

WHEREAS, MDM MAC Properties Madison, LLC is the owner of PPN 02-A-002-0-00-006-0, claiming sole fee simple title by deed recorded as instrument number 2024R001623 of the Lake County Record of Deeds; and

WHEREAS, MDM MAC Properties Madison, LLC petitioned, as shown in Exhibit 3 attached hereto (the original petition being on file with the office of the Administrator), for the vacation of the roadway easements on its property in order to relocate them for re-dedication for the following purposes: (1) to facilitate the commercial development of the property, and (2) provide for the future interconnection of R.W. Parkway to Bates Road; and

WHEREAS, because the easements traverse the interior of PPN 02-A-002-0-00-006-0 and are not adjacent to any other parcels, there are no adjacent property owners and, pursuant to R.C. § 723.06, the publication notice requirements of R.C. § 723.07 are inapplicable and the Council may proceed with the vacation without notice; and

WHEREAS, as noted above, the purpose of the vacation is to facilitate the commercial development of the parcel by relocating the east-westerly roadway easement north, extending it via dedicated additional roadway easement to Bates Road, and, reestablishing the northerly roadway easements which interconnect to Hyder Drive and to PPN 02-A-007-0-00-033-0; and

WHEREAS, the Municipal Planning Commission at its regular meeting of March 19, 2026, recommended, by a vote of 3 in favor and 1 against, to vacate the roadway easements, subject however to their immediate re-dedication, as detailed above, and as shown on Exhibit 2 attached hereto and incorporated herein; and

WHEREAS, it is the opinion of this Council that there exists good cause for the vacation of the roadway easements, that it will be in furtherance of the general interest as their re-dedication for purposes of relocation and extension facilitates economic development and an interconnected roadway from S.R. 528 to Bates Road, and that it should be made, conditioned however, on the grant to the Village of their re-dedication, as detailed herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, COUNTY OF LAKE, STATE OF OHIO, THAT:

SECTION 1. The Preamble hereto is incorporated herein as part of this Ordinance.

SECTION 2. Subject to the dedication of relocated and extended roadway easements as depicted in Exhibit 2 and the prior performance of such other conditions set forth in this Ordinance, that the eighty (80') and sixty (60') feet wide roadway easements upon PPN 02-A-002-0-00-006-0 granted to the Village of Madison by dedication plat for the Sidley Business Park – Phase One recorded on July 19, 2007 in Vol. 55, Pg. 16, of the Lake County Plat Records, as shown on Exhibit 1, are and shall hereby be vacated.

SECTION 3. That this vacation shall not be filed of record until there has been delivered to the Village of Madison by MDM MAC Properties Madison, LLC a dedication plat in a form suitable to the Village Engineer, Director of Law, and Lake County granting permanent roadway easements for the Village of Madison's right to construct, repair, replace, relay, maintain, operate and inspect a roadways, public infrastructure, and appurtenances thereto upon PPN 02-A-002-0-00-006-0 as depicted in Exhibit 2, together with a construction easement of an additional ten (10') feet in width beyond the width of easement area for purposes of construction, maintenance, repair, and/or replacement of the roadway, public infrastructure, and appurtenances thereto to be used for placement of construction-related equipment, personnel, staging, spoil, materials storage, and other necessary construction-related activities.

SECTION 4. That the Clerk of Council shall submit a certified copy of this Ordinance to the office of the Lake County Recorder for its recordation pursuant to R.C. § 723.04 but that if this action is not in the judgment of Lake County sufficient to cause the vacation of these roadway easements then, in such event, MDM MAC Properties Madison, LLC shall have prepared at its sole cost and expense and present to the Village a vacation plat in form suitable for recordation which plat the necessary officers of the Village are hereby authorized to endorse upon it the action of this Council in vacating the roadway easements upon PPN 02-A-002-0-00-006-0.

SECTION 5. That nothing herein shall affect such easement rights as any utility company or other political subdivision may have in the area of the vacated roadway easements.

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, including § 121.22 of the Ohio Revised Code.

SECTION 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village and for the further reason that time is of the essence in order to timely facilitate an economic development project that will add employment opportunities and expand the tax base; WHEREFORE, this Ordinance shall be in full force and effect immediately upon its adoption if adopted by the affirmative vote of at least four members of Council and otherwise at the earliest time provided by Ohio law.

PASSED:

3rd Reading: _____

Mark V. Vest,
President of Council

Attested:

Kristie M. Crockett,
Fiscal Officer / Clerk of Council

Approved:

Date: _____

Sam Britton, Jr.,
Mayor

Exhibit 2

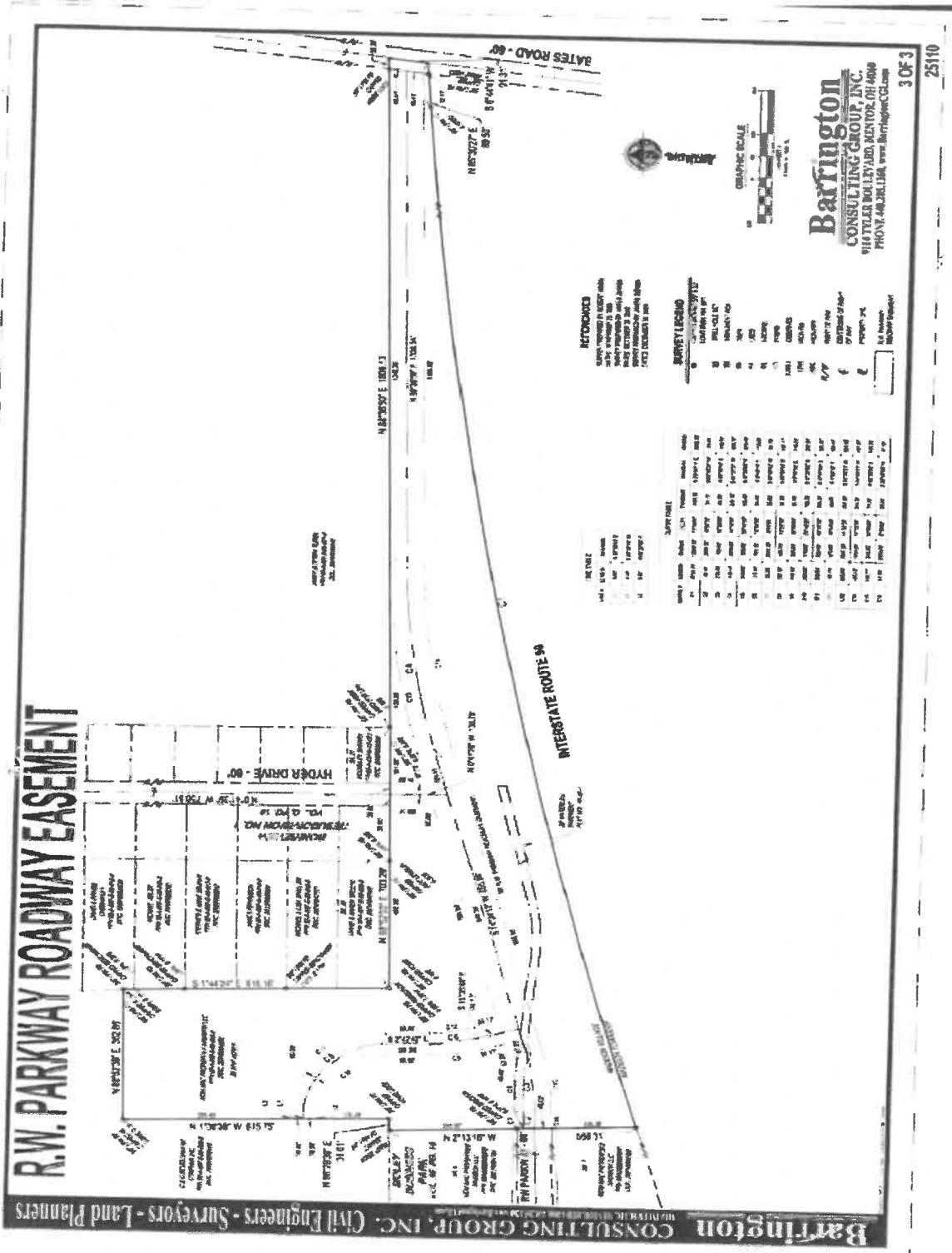


Exhibit 3

March 17th

Madison Village
33 E. Main St
Madison OH 44057

We, the owners of the property extending east on RW Parkway to Bates road hereby petition the Board of Madison Village to vacate the current easement to relocate the easement from the southern property line to the northern property line and extended easement east from Hyder Drive to Bates Road. The relocation of the easement will allow for development of the property to expand the current business at 145 R.W. Parkway and give an extension of the roadway easement to continue to Bates Road.

MDM MAC PROPERTIES MADISON LLC
Parcel 02-A-002-0-00-006-0
DOC 2024R001623

Respectfully

James Lyon

145 RW Parkway
Madison OH 44057