

ORDINANCE NO. 7885

AN ORDINANCE VACATING AN ALLEY IN THE SOUTH DEFIANCE ADDITION

WHEREAS: A Petition has been filed to vacate the alley lying between Lots 49 and D in the South Defiance; and,

WHEREAS: The Planning Commission unanimously recommended that the Petition be granted by action taken in public meeting on September 19, 2016; and,

WHEREAS: A suitable vacation plat and survey has been prepared and filed with the City Engineer; and,

WHEREAS: The City Engineer has determined that there are no functioning public or public utility facilities located within the right-of-way sought to be vacated; and,

WHEREAS: Petitioner owns all land adjacent to the right-of-way; and,

WHEREAS: Council finds there is good cause to vacate the alley and that the vacation will not be detrimental to the general interest;

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF DEFIANCE, THAT:

SECTION 1: The alley connecting Grove and South Clinton Streets lying between Lot 49 and Lot D in and of the South Defiance Addition, as more fully described and depicted by the survey and Alley Vacation Plat prepared by Bell Engineering Limited, Inc. and now on file in the office of the City Engineer, is hereby vacated pursuant to and in accordance with §723.05 of the Ohio Revised Code.

SECTION 2: The City Engineer is directed to record a copy of this Ordinance together with the Alley Vacation Plat, approved survey and such other documents as may be appropriate to demonstrate vacation of the alley in conformity with Revised Code §711.39. The City Engineer is further directed to certify all costs incurred, including, without limitation, any sums due the surveyor for preparation of the description and plat, to the Finance Director for payment in accordance with Section 3 of this Ordinance.

SECTION 3: The Finance Director is directed to pay all costs and expenses incurred by the municipality incident to the conduct of proceedings upon the Petition from funds deposited with the Petition and to refund any remaining balance of the deposit to the Petitioner.

SECTION 4: It is found and determined that all legislative acts pertaining or relating to the enactment of this Ordinance were taken in public session and that all deliberations of Council, including all deliberations of the committees of Council, that affected or influenced any such legislative act, were conducted in public session duly convened in conformity with law.

SECTION 5: This Ordinance shall be effective on the earliest date permitted by law.

Passed: January 10, 2017

Michael Ketcham
President of Council

Attest: Lisa Elders
Clerk of Council

Approved: January 10, 2017

Michael McCann
Mayor