

Ordinance No. \_\_\_\_\_

**AN ORDINANCE VACATING A RIGHT-OF-WAY BETWEEN LOTS 36 AND 66 OF THE SOUTH DEFIANCE ADDITION**

**WHEREAS**, the City received a petition to vacate part of the right-of-way adjacent to and adjoining Lot Nos. Thirty-Six (36) and Sixty-Six (66) in the South Defiance Addition; and,

**WHEREAS**, the Planning Commission heard the petition at the September 21, 2020 public hearing and voted unanimously to recommend the right-of-way vacation *contingent upon a shared driveway agreement between the property owners*; and,

**WHEREAS**, the petitioner provided a shared driveway agreement for purposes of maintenance and access; and,

**WHEREAS**, the subject right-of-way connects Wayne Avenue to an unimproved and unpaved right-of-way and has no functional public use; and,

**WHEREAS**, Council finds good cause for vacating the alley and that the requested vacation will not be detrimental to the public interest pursuant to Section 905.19(a) of the Codified Ordinances of Defiance, Ohio;

**Now therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The northwest to southeast right-of-way between Lots Thirty-Six (36) and Sixty-Six (66) of the South Defiance Addition to the City of Defiance, Ohio (935 and 923 Wayne Avenue) is hereby vacated.

**Section 2:** The Law Director shall record a copy of this Ordinance to document the vacation of the public right-of-way lying between these parcels.

**Section 3:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

**Section 4:** This Ordinance shall be effective on the earliest date permitted by law.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
President of Council

Votes in Favor of Adoption: \_\_\_\_\_

Votes Opposed to Adoption: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor