

Ordinance No. _____

AN ORDINANCE VACATING 660 FEET OF RIGHT-OF-WAY IN THE SOUTHEAST QUARTER OF SECTION 18 IN THE CITY OF DEFIANCE, OHIO AND DECLARING AN EMERGENCY

WHEREAS, Council accepted the dedication of the East Commerce Drive right-of-way in Ordinance No. 8094 on January 22, 2019; and,

WHEREAS, Council finds that the vacation of a 660' portion of that right-of-way is advantageous to the City by enabling the developer to secure grant funding from JobsOhio; and,

WHEREAS, Section 905.19 of the Codified Ordinances of Defiance, Ohio sets forth the required procedures for vacating City right-of-way; and,

WHEREAS, Section 905.19(b) of the Codified Ordinances of Defiance, Ohio affords Council with the option to bypass the procedures set forth in subsection (a) in proceedings *initiated by the municipal government* and conducted in accordance with general law; and,

WHEREAS, the municipal government, rather than a property owner, is initiating this partial, 660' right-of-way vacation; and,

WHEREAS, Council finds good cause for vacating the right-of-way and that the proceedings are being conducted in accordance with general law;

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

Section 1: 660' of the East-West right-of-way of East Commerce Drive in the Southeast Quarter of Section 18 in the City of Defiance, Ohio, as more fully described and depicted by the plat, survey, and legal description now on file in the office of the Law Director, is hereby vacated.

Section 2: The Law Director is directed to record a copy of this Ordinance to document the vacation of the public right-of-way as set forth on the vacation plat.

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 is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that JobsOhio may award the grant funding for infrastructure improvements this month. The award recipient should own the property outright. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: _____, 2020 _____
President of Council

Votes in Favor of Adoption: _____
Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2020 _____
Mayor