

ORDINANCE NO. 2-17

**AN ORDINANCE VACATING A PORTION OF WEST FIFTH STREET
LOCATED BETWEEN BLOCKS III AND IV OF HASSELBACH'S ADDITION
AND WEST OF THE WEST LINE EXTENDED OF THE NORTH-SOUTH ALLEY
RUNNING THROUGH SAID BLOCKS III AND IV AS RECORDED IN
VOLUME 2, PAGE 58, OF THE OTTAWA COUNTY PLAT RECORDS**

WHEREAS, the Port Clinton City Schools Board of Education (the "Board of Education"), the owner of the properties abutting and located north and south of the portion of West Fifth Street located west of the west line extended of the North-South alley running through Blocks III and IV of Hasselbach's Addition in the City of Port Clinton has petitioned this Council to vacate that portion of West Fifth Street lying adjacent to its properties, and

WHEREAS, The Board of Education has presented with its Petition the signatures of the owners of lots in the immediate vicinity of and adjoining the area to be vacated, consenting to the vacation and waiving notice of the proceeding for the vacation of a portion of the public street, and WHEREAS, R.C. Section 723.06 provides that the six week notice of publication of the proposed vacation required by R.C. Section 723.07 is not required when the owners of the property abutting the part of the public street proposed to be vacated file their written consent to the vacation with the legislative authority; and

WHEREAS, the petition and documents filed by the Board of Education constitutes a consent to the vacation and contains waivers of notice of the proceedings for vacation of the portion of West Fifth Street requested by the Board of Education; and WHEREAS, this Council finds and determines that it is in the best interest of the City to approve the vacation, subject to the statutory and common law easement rights retained for the purpose of maintaining, operating, renewing, reconstructing, replacing and removing utility facilities and for access to said utility facilities;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

Section 1. This Council finds that the petition signed by the Board of Education and the owners of all of the properties abutting upon the portion of West Fifth Street located west of the North-South Alley running through Blocks III and IV in Hasselbach's Addition in the City of Port Clinton, all as described on Exhibit A attached hereto, has been presented to this Council praying that the described portion West Fifth Street be vacated.

Section 2. This Council further finds that there is good cause for the vacation of the portion of West Fifth Street as prayed for, that the vacation of the requested portion of the public street will not be detrimental to the general interests and that the vacation ought to be made.

Section 3. That the portion of West Fifth Street lying west of the west line extended of the North-South Alley running through Blocks III and IV of Hasselbach's Addition, as described in Exhibit A and depicted on Exhibit B attached hereto, be and the same is hereby vacated subject to the continuing easement rights in the vacated portion of the public street for constructing, maintaining, operating, renewing, reconstructing, replacing and removing public utility facilities, and for purposes of access to said facilities, whether owned privately or by any governmental authority.

Section 4. That the Clerk of Council be and she is hereby directed to notify the Auditor of Ottawa County of the vacation of the portion of West Fifth Street as described herein by submitting a certified copy of this ordinance along with certified copies of the petition and other documents comprising the transcript of the vacation, and she shall also have a certified copy of said transcript recorded in the Ottawa County Recorder's office as required by R.C. 711.39.

Section 5. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

Section 6. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2017

President of Council

Attest: _____
Clerk of Council

Approved _____, 2017

Mayor

P.O. Box 2628
6655 Providence Street
Whitehouse, Ohio 43571-0628



Phone (419) 877-0400
Fax (419) 877-1140

www.garciasurveyors.com

DBE Certified with ODOT
MBE/EDGE Certified with the State of Ohio
MBE Certified with the City of Toledo

May 26, 2016
Page 1 of 2

Street Vacation – Part of West Fifth Street

Part of West Fifth Street right-of-way, as it now exists, adjacent to Lot 9 in Block III and adjacent to Lot 10 in Block IV, all in Hasselbach's Addition, as recorded in Volume 2, Page 58, Ottawa County Plat Records, in the City of Port Clinton, Ottawa County, Ohio, said parcel of land being described as follows;

Beginning at the intersection of the North line of said Lot 10 in Block IV with the East line of said Lot 10 in Block IV, said North line of Lot 10 in Block IV also being the South right-of-way line of said West Fifth Street, as it now exists, said East line of Lot 10 in Block IV also being the West line of a twenty and zero hundredths (20.00') feet wide alley, said point of intersection being marked with a set Mag nail;

Thence in a westerly direction along said North line of Lot 10 in Block IV and along said South right-of-way line of West Fifth Street, as it now exists, having an assumed bearing of South eighty-nine (89) degrees, thirty-two (32) minutes, thirty-two (32) seconds West, passing through a set capped iron rebar at a distance of eighty-three and thirteen hundredths (83.13') feet, a total distance of eighty-four and thirteen hundredths (84.13') feet to the intersection of the West line of said Lot 10 in Block IV, said West line of Lot 10 in Block IV also being the West plat line of said Hasselbach's Addition;

Thence North zero (00) degrees, six (06) minutes, twenty-two (22) seconds East along said West plat line of Hasselbach's Addition, a distance of sixty-six and zero hundredths (66.00') feet to the intersection of the South line of said Lot 9 in Block III, said South line of Lot 9 in Block III also being the North right-of-way line of West Fifth Street, as it now exists;

Thence North eighty-nine (89) degrees, thirty-two (32) minutes, thirty-two (32) seconds East along said South line of Lot 9 in Block III and along said North right-of-way line of West Fifth Street, as it now exists, passing through a set capped iron rebar at a distance of one and zero hundredths (1.00') feet, a total distance of eighty-three and seventy-two hundredths (83.72') feet to the intersection of the East line of said Lot 9 in Block III, said East line of Lot 9 in Block III also being the West line of a twenty and zero hundredths (20.00') feet wide alley, said point of intersection being marked with a set Mag nail;

Thence South zero (00) degrees, fifteen (15) minutes, eight (08) seconds East along the southerly extension of said East line of Lot 9 in Block III and along the southerly extension of said West line of a twenty and zero hundredths (20.00') feet wide alley, a distance of sixty-six and zero hundredths (66.00') feet to the Point of Beginning.

Said parcel of land containing 5,539 square feet or 0.127 acres of land, more or less.

The above described parcel of land is subject to any and all leases, easements or restrictions of record.

The bearings used hereon are based on an assumed meridian and are for the express purpose of calculating angular measurement.

Said set capped iron rebar being a 5/8" diameter and 30" long iron rebar with plastic cap stamped "PS 7432".

The above description is based on a field survey performed under my direct supervision during May, 2016.

Prepared by:
Garcia Surveyors, Inc.

Duane E. Heck, P.S.
Registered Surveyor No. 7432



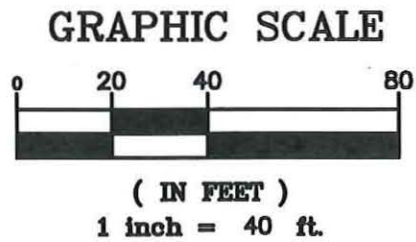
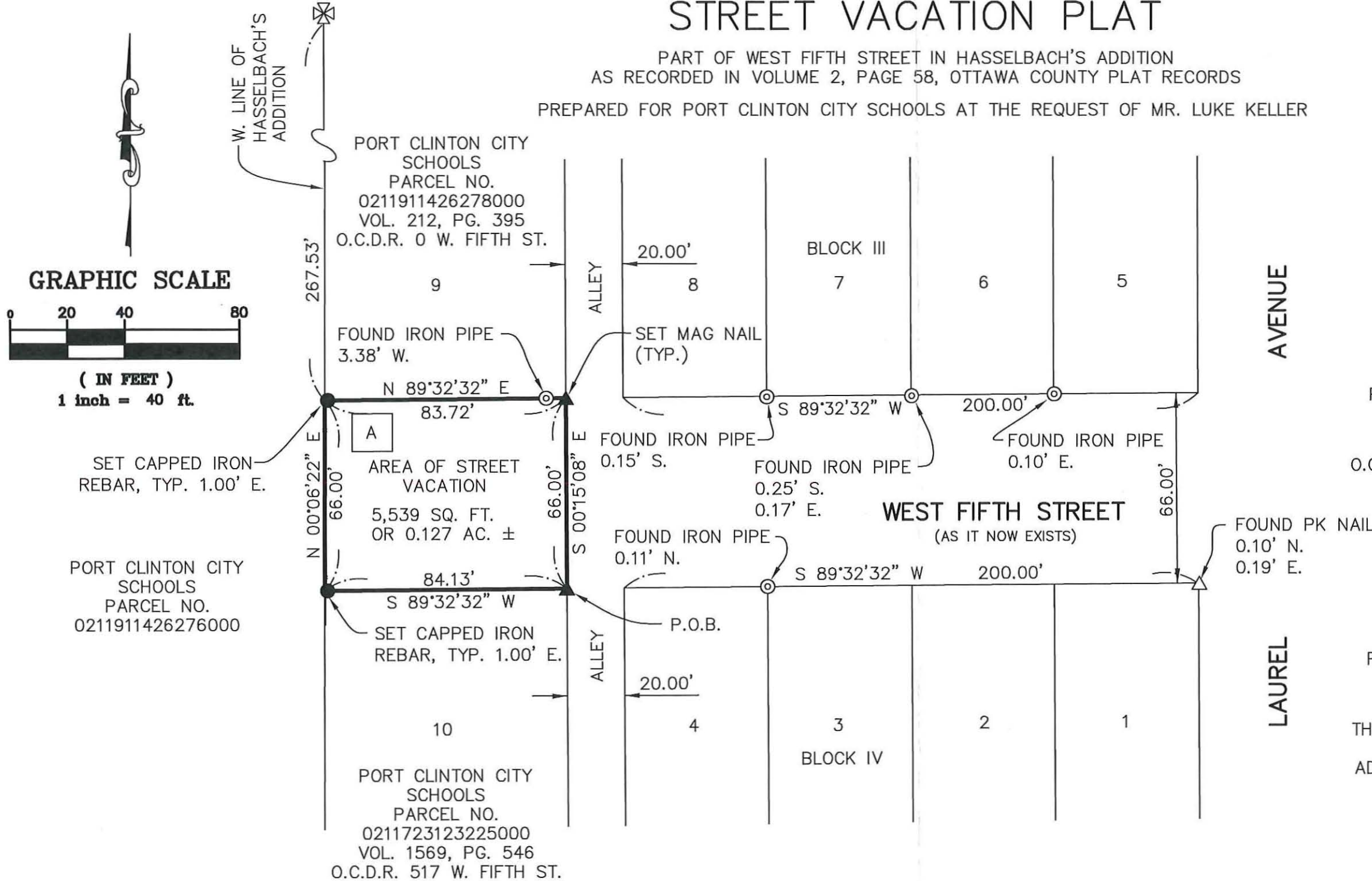
k:\Drawings\DRAW\164S02512\Street Vacation.doc

Ronald P. Ortiz, PE, PS.
DESCRIPTION APPROVED 12-16-16/mlw
Ottawa County Engineer

STREET VACATION PLAT

PART OF WEST FIFTH STREET IN HASSELBACH'S ADDITION
AS RECORDED IN VOLUME 2, PAGE 58, OTTAWA COUNTY PLAT RECORDS

PREPARED FOR PORT CLINTON CITY SCHOOLS AT THE REQUEST OF MR. LUKE KELLER



LEGEND

- SET CAPPED IRON REBAR STAMPED "PS 7432"
- ▲ SET MAG NAIL
- △ FOUND PK NAIL
- ⊙ FOUND IRON PIPE
- ⊗ FOUND CONCRETE MONUMENT
- P.O.B. POINT OF BEGINNING
- A FRAME SHED ON CONC. PAD
- O.C.D.R. OTTAWA COUNTY DEED RECORDS

BASIS OF BEARING NOTE:

THE BEARINGS USED HEREON ARE BASED ON AN ASSUMED MERIDIAN AND ARE FOR THE EXPRESS PURPOSE OF CALCULATING ANGULAR MEASUREMENT.

NOTE:

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY ADDITIONAL INFORMATION THAT MIGHT BE DISCLOSED BY SUCH A REPORT.

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS THE RESULT OF A TRUE AND ACCURATE BOUNDARY SURVEY PERFORMED UNDER MY SUPERVISION DURING MAY, 2016.

DEH
Duane E. Heck
Professional Surveyor No. 7432
Date: 5/26/16



P.O. Box 2628
Whitehouse, OH 43571
Phone: (419) 877-0400
Fax: (419) 877-1140

DATE: 05/26/2016
PROJECT# 164S02512FB00A1