

ORDINANCE NO. 5-17

AN ORDINANCE VACATING PART OF THE EAST-WEST ALLEY IN BLOCK 20 OF LAKEVIEW ADDITION IN THE CITY OF PORT CLINTON

WHEREAS, Joseph D. Yahner, and all of the adjoining owner's of properties abutting and located north and south of the East-West Alley located in Block 20 of Lakeview Addition in the City of Port Clinton have petitioned the City to vacate a portion of the East-West Alley lying adjacent to certain of their properties, 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 alley proposed to be vacated file their written consent to the vacation with the legislative authority; and

WHEREAS, the petition filed by Joseph D. Yahner and the adjoining owners constitutes a consent to the vacation and contains a waiver of notice of the proceedings for vacation of the alley; 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 and removing utility facilities and for access to said 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 Owners of all of the properties abutting upon the East-West Alley in Block 20 of Lakeview Addition in the City of Port Clinton, as described on Exhibit A attached hereto, has been presented to this Council praying that the described portion of the alley be vacated.

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

Section 3. That the portion of the East-West Alley in Block 20 of Lakeview Addition, as described in Exhibit A attached hereto, and as 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 alley for constructing, maintaining, operating, renewing, reconstructing 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 a portion of the East-West Alley in Block 20 of Lakeview Addition 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

Proposed Alley Vacation

Situated in the city of Port Clinton, County of Ottawa and state of Ohio, and being the alley just south of Lot 15 Block 20 Lakeview Addition Plat Volume 4 Page 13 Ottawa County records, and being more particularly described as follows:

Beginning at a 5/8" iron pin set at the southeast corner of said lot 15;

Thence South 00°20'00" West, along the west right of way of Walnut Street, 12.00 feet to a point;

Thence South 90°00'00" West, along the north line of lots 18, 19, and 20, 100.00 feet to the projection of the west line of lot 15 and a point;

Thence North 00°20'00" East, along the west line of lot 15 projected, 12.00 feet to the southwest corner of lot 15 and a Power Pole found;

Thence North 90°00'00" East, along the south line of lot 15, 100.00 feet to the point of beginning and containing 0.028 acres more or less but subject to all legal easements and right of way of record;

Prior Reference Plat Volume 4 Page 13 and Official Record 1397 Page 733 Ottawa County Records. North is assumed to indicate angles only. Prepared from a survey dated 11/15/2016 by Carl M Feick P.S. 7035.

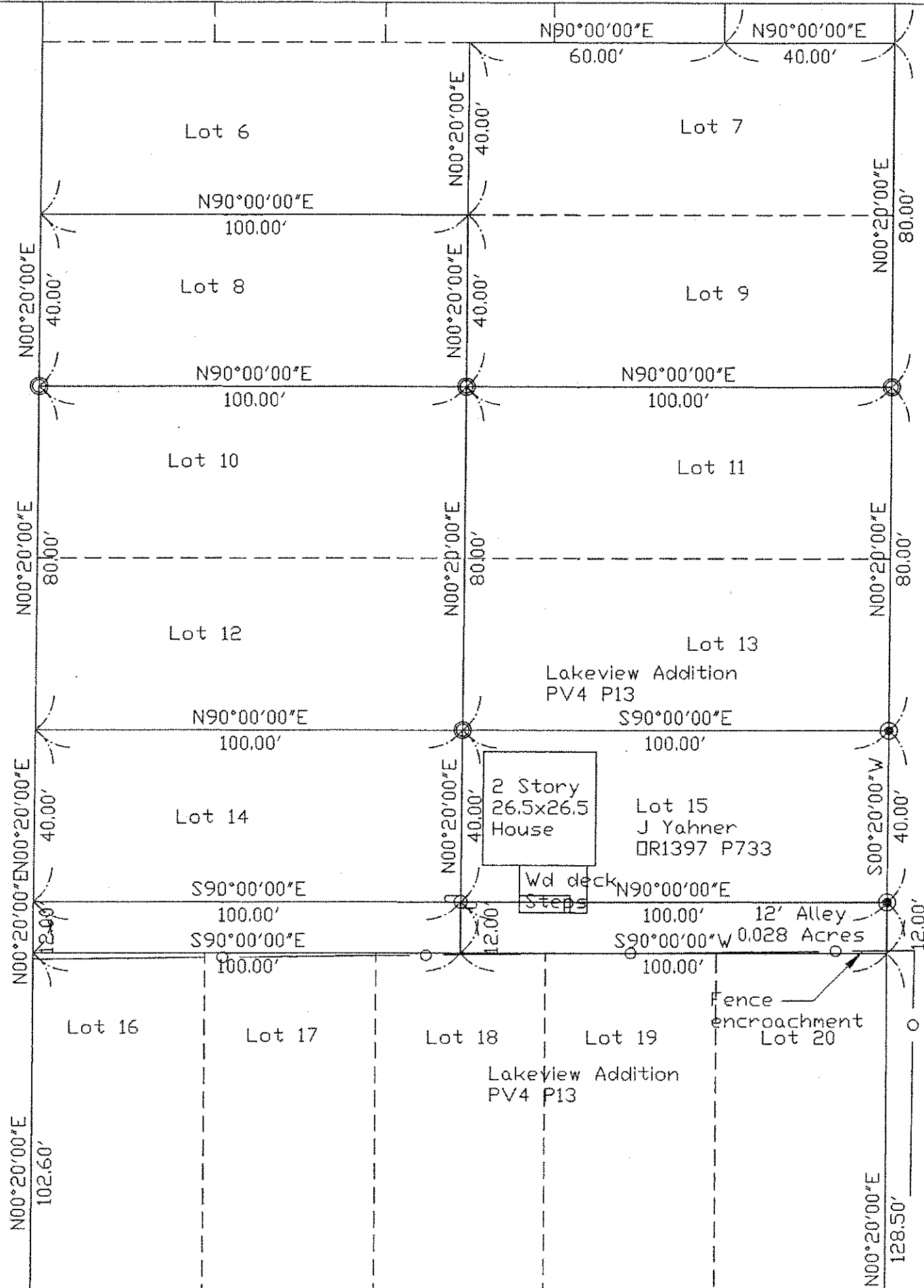

Carl M Feick
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Castalia, Ohio 44824
419-656-3016
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Timothy P. O'Neil, P.E., P.S.
Disciplined Approver 11-21-16
Ottawa County Engineer

Exhibit A

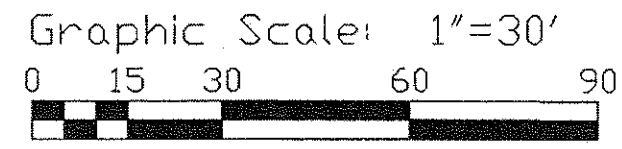
Cedar Street
50' R/W



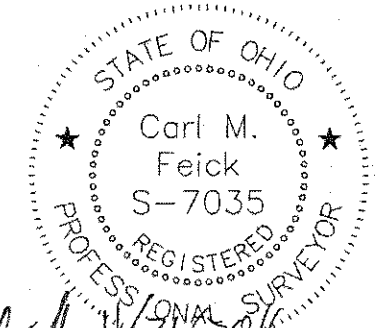
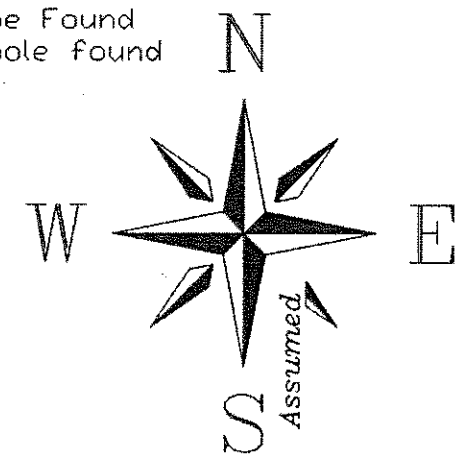
Walnut Street
50' R/W

Proposed Alley Vacation

Exhibit B



- Legend
- 5/8" rebar set
 - Iron Pipe Found
 - ⊙ Power pole found



Carl M. Feick
11/21/2016

Carl M. Feick P.S. 7035
11/21/2016 acreage and vacation added CMF

CARL M FEICK, P.E. P.S.
712 Bardwell Road, Castalia, Ohio 44824, 419-656-3016

DRAWN BY: CMF DATE: 11/15/2016

JOB NO.: 320walnut SHEET 1 OF 1

Plat of Survey

Joseph Yahner
320 Walnut, Port Clinton, Oh
Block 20 alley south of lot 20 Lakeview Addition
Port Clinton, Ottawa Co, Ohio