

VILLAGE OF MCDONALD, OHIO

ORDINANCE NO. 3201-17

AN ORDINANCE FOR THE PURPOSE OF VACATING A CERTAIN PORTION OF E. NINTH STREET THAT IS BOUNDED ON THE WEST BY PENNSYLVANIA AVENUE AND ON THE EAST BY NEW JERSEY AVENUE AND RESERVING AN EASEMENT FOR UTILITIES.

WHEREAS, section 723.04 of the Ohio Revised Code provides for statutory proceedings to vacate a street, alley or portion thereof by the legislative authority upon petition by a person owning a lot in the immediate vicinity of the street or alley;

WHEREAS, on February 25, 2016, Christopher Mills and Donald Bumback, owners of lots adjacent to E. Ninth Street, submitted to the Village a petition to vacate the following portion of E. Ninth Street within the Village of McDonald:

The portion of E. Ninth Street that is bounded on the west by Pennsylvania Avenue and on the east by New Jersey Avenue.

WHEREAS, the Village Planning Commission considered the petition to vacate at its October 12, 2016 meeting and recommended the approval of the vacation;

WHEREAS, the Police Department, Fire Department and Village Administrator have reviewed the petition to vacate and do not object;

WHEREAS, pursuant to section 723.04 of the Ohio Revised Code, Village Council held a hearing at its regularly scheduled meeting on December 7, 2016 to consider the petition to vacate;

WHEREAS, Council finds that there is good cause for such vacation of said street, as petitioned, and such vacation will not be detrimental to the general interests; and

WHEREAS, Council has decided to proceed with the vacation as petitioned.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF McDONALD, TRUMBULL COUNTY, STATE OF OHIO, that:

Section I. The portion of E. Ninth Street that is bounded on the west by Pennsylvania Avenue and bounded on the east by New Jersey Avenue be and hereby is vacated.

Section II. Pursuant to section 723.041 of the Ohio Revised Code, the Village shall have a permanent easement in such vacated portion of E. Ninth Street for the purpose of maintaining, operating, renewing, reconstructing, and removing of utility facilities and for purposes of access to said facilities including, without limitation, a 15 inch clay sanitary sewer pipe and a 48 inch concrete storm sewer pipe.

Section III. The Village Administrator is hereby instructed to cause to be prepared a vacation plat of said vacated street, the Fiscal Officer is instructed to endorse upon the plat the action of this Council in vacating such portion of said street, and the Fiscal Officer shall cause the plat to be recorded in the Office of the Recorder of Trumbull County, Ohio.

Section IV. The Fiscal Officer is instructed to notify the Auditor of Trumbull County of the vacation by sending the Auditor a copy of this Ordinance.

Section V. Any and all other Ordinances, Resolutions, sections, or parts thereof inconsistent or in conflict with the terms of this Ordinance are hereby repealed.

Section VI. The passage of this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings in accordance with the provisions of Ohio Revised Code Section 121.22.

Section VII. This Ordinance shall be in full force and effect from the earliest period allowed by law.

Passed in Council this 4th day of January, 2017.

Mayor

Attest To:

Fiscal Officer