

SPONSOR: E. Brown/Wiggins

## ORDINANCE NO. 26-08

AN ORDINANCE FINDING GOOD CAUSE FOR VACATING AN ALLEY, AND VACATING THE ALLEY RUNNING IN A GENERAL EAST AND WEST DIRECTION, EXTENDING FROM MAIN STREET IN A WESTERLY DIRECTION TO LOTS 1 AND 5 IN THE STERNBERGER'S ADDITION IN THE CITY OF JACKSON, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the portion of the alley described in Exhibit "A", attached hereto and made a part hereof, is in the middle of a proposed development site, and the City will be acquiring easement rights for purposes of allowing traffic to traverse this general area as a part of the development project; and

WHEREAS, pursuant to Ohio Revised Code Section 723.05, Jackson City Council hereby specifically finds there is good cause for vacating the alley, and that the vacation of the alley will not be detrimental to the general interest; and

WHEREAS, Jackson City Council desires to vacate the alley described in Exhibit "A" by ordinance and without petition in accordance with Ohio Revised Code Section 723.05.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

**Section One.** Jackson City Council finds that there is good cause for vacating the alley described in Exhibit "A", attached hereto and made a part hereof, and that the vacation of the alley will not be detrimental to the general interest. Therefore, by ordinance and without petition, Jackson City Council hereby vacates the alley as described in Exhibit "A", attached hereto and made a part hereof. Pursuant to Ohio law ownership of the vacated alley shall vest in the adjoining property owners.

**Section Two.** This vacation is made upon the condition that the City of Jackson, Ohio shall maintain and keep any and all easements which may be appropriate in accordance with Ohio Revised Code Section 731.30.

**Section Three.** In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

**Section Four.** The Clerk is hereby authorized to notify the Auditor of Jackson County of this vacation by sending him a copy of this ordinance. The Clerk is further instructed to see that a certified copy of this ordinance is recorded with the Recorder of Jackson County.

**Section Five.** This Ordinance is hereby declared to be an emergency Ordinance, necessary for the immediate preservation of the public peace, health or safety of the City of Jackson, in that it is necessary to vacate this alley as soon as possible to allow for the timely commencement and completion of the proposed Walgreens Project, and to allow the project to meet all pending deadlines. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

**Section Six.**

In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

**Section Seven.**

It is hereby found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that the deliberations of this Council that resulted in such formal actions were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code. This Ordinance shall go into effect at the earliest time permitted by law.


Date: 2-11-08

  
\_\_\_\_\_  
**PRESIDENT OF COUNCIL**

  
\_\_\_\_\_  
**CLERK OF COUNCIL**

Approved:

Date: 2-12-08

  
\_\_\_\_\_  
**MAYOR**

**Exhibit "A"**



**Description of 0.057 Acre  
Alley Vacation**

Situated in the State of Ohio, County of Jackson, City of Jackson, being part of Section 29, Township 7 North, Range 18 West, Congress Lands, being 0.057 acres out of South Outlot 25 in the City of Jackson, and being more particularly described as follows:

**COMMENCING** for reference at the intersection of the centerline of South Street (67.32 feet wide) and the centerline of East Main Street (St. Rt. 93, 60 feet wide);

Thence with the centerline of said East Main Street the following two (2) courses and distances:

- 1.) With a curve to the right having a radius of 301.56 feet, a central angle of  $07^{\circ}23'58''$ , a chord bearing of South  $29^{\circ}27'59''$  East, a chord distance of 38.92 feet, and an arc length of 38.95 feet to a point of tangency;
- 2.) South  $25^{\circ}46'00''$  East, a distance of 127.90 feet to a point;

Thence South  $64^{\circ}14'00''$  West crossing said East Main Street right of way, a distance of 30.00 feet to a railroad spike found on the westerly right of way line of said East Main Street, being the southeasterly corner of a 0.493 acre residual tract of land described in a deed to Jackson City Board of Education of record in Deed Book 205, Pages 34 and 190 and Deed Book 293, Page 427, and being the **TRUE POINT OF BEGINNING** of the tract to be described;

Thence South  $25^{\circ}46'00''$  East with said westerly right of way line, a distance of 14.00 feet to a  $5/8''$  iron pin found at the northeasterly corner of a 0.165 acre tract of land described in a deed to Pizza Baker, Inc. of record in Deed Book 314, Page 923;

Thence South  $64^{\circ}14'00''$  West with the northerly line of said 0.165 acre tract, a distance of 113.44 feet to a Mag nail set on the easterly line of a 2.582 acre residual tract of land described in a deed to Jackson City Board of Education of record in Deed Book 205, Pages 34 and 190 and Deed Book 293, Page 427;

Thence North  $80^{\circ}36'05''$  West crossing said 2.582 acre residual tract, a distance of 67.42 feet to a Mag nail set on the easterly right of way line of a 16 foot wide alley;

Thence North  $02^{\circ}36'52''$  East with said easterly right of way line, a distance of 14.10 feet to a Mag nail found at the southeasterly corner of a 0.196 acre tract of land described in a deed to JSE Investments, Inc. of record in Official Record 46, Page 8, being the southwesterly corner of said 0.493 acre residual tract, and being the northwesterly corner of said 2.582 acre residual tract;

Thence South  $80^{\circ}36'05''$  East with the southerly line of said 0.493 acre residual tract and the northerly line of said 2.582 acre residual tract, a distance of 64.65 feet to a railroad spike found at the northeasterly corner of said 2.582 acre residual tract;

Thence North  $64^{\circ}14'00''$  East continuing with the southerly line of said 0.493 acre residual tract, a distance of 109.00 feet to the true point of beginning containing 0.057 acres of land, more or less.

**Basis of Bearing:** Bearings are based on the centerline of East Main Street being North  $25^{\circ}46'00''$  West as shown on the Ohio Department of Transportation Right of Way plans JAC-75-(15.69-16.00).



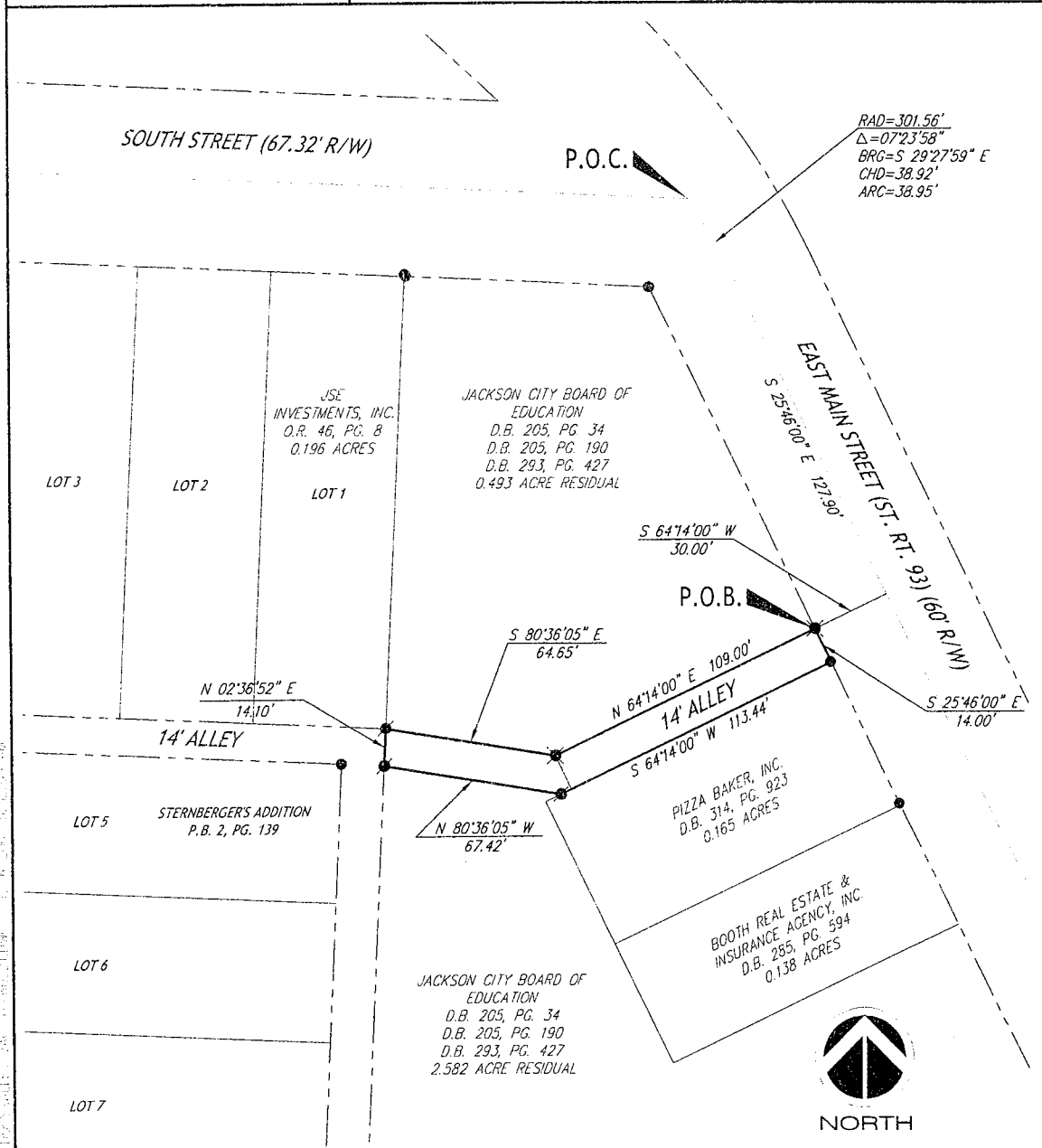
Survey Date  
140 201 0714  
40 000 0113 12  
200 020 7047

Surveyed for City of Jackson  
2007-08-01

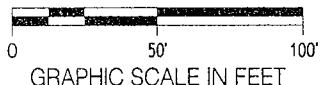
PLAT OF SURVEY FOR

# 0.057 ACRE ALLEY VACATION

SITUATED IN THE STATE OF OHIO, COUNTY OF JACKSON, CITY OF JACKSON,  
BEING PART OF SECTION 29, TOWNSHIP 7 NORTH, RANGE 18 WEST,  
CONGRESS LANDS.



RAD=301.56'  
Δ=07°23'58"  
BRG=S 29°27'59" E  
CHD=38.92'  
ARC=38.95'



**NOTE**

ALL IRON PINS SET ARE 5/8" SOLID IRON PINS 30" IN LENGTH WITH AN ORANGE PLASTIC CAP STAMPED "FLOYD BROWNE GROUP".

**NOTE**

ALL RECORD INFORMATION SHOWN HEREON WAS OBTAINED FROM THE RECORDER'S OFFICE, JACKSON COUNTY, OHIO.

**BASIS OF BEARINGS**

BEARINGS ARE BASED ON THE CENTERLINE OF EAST MAIN STREET BEING NORTH 25°46'00" WEST AS SHOWN ON THE OHIO DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLANS JAC-75-(15.69-16.00).

I HEREBY STATE THAT THIS SURVEY IS BASED ON ACTUAL FIELD MEASUREMENTS AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS CORRECT.

**LEGEND**

- IRON PIN FND
- IRON PIPE FND
- MAG NAIL FND
- IRON PIN SET
- MAG NAIL SET



MAYNARD H. THOMPSON, PS  
PROFESSIONAL SURVEYOR NO. 7128

DATE

PAGE 2 OF 2  
DRAWN BY: DBP  
CHECKED BY: MHT

FILE NO. ALLEY VAC 07-60321