

SPONSOR: *Smith/Elvish*

ORDINANCE NO. 72-08

AN ORDINANCE VACATING THE ENTIRE LENGTH OF THE ALLEYS ABUTTING LOTS 48, 49, 50, 35, 34, 33 AND OUTLOT 32 IN THE DANIEL HOFFMAN 2nd ADDITION TO THE CITY OF JACKSON, OHIO, BEING AN ALLEY 20.79 FEET IN WIDTH EXTENDING IN A GENERALLY NORTHEAST DIRECTION FROM SOUTHWEST END OF LOTS 48 AND 35 OF DANIEL HOFFMAN'S 2nd ADDITION, AND AN ALLEY 16.5 FEET IN WIDTH EXTENDING IN A GENERALLY NORTHWEST BY WEST DIRECTION FROM BROADWAY STREET TO PORTSMOUTH STREET.

WHEREAS, a petition has been received requesting the vacation of the alleys described in Exhibit A, attached hereto; and

WHEREAS, Jackson City Council has conducted a public hearing on the request; and

WHEREAS, Jackson City Council finds that the First Baptist Church is the sole owner of Lots 48, 49, 50, 35, 34, 33 and Outlot 32 and 31 in the Daniel Hoffman 2nd Addition to the City of Jackson, Ohio, and that the written consent to the vacation of the alleys has been filed by all the owners of property abutting on the alleys to be vacated, and therefore notice as set forth in O.R.C. 723.07 is not required;

WHEREAS, Jackson City Council finds that there is good cause for vacating the alleys, and that such vacation will not be detrimental to the general interest, and that the alleys requested to be vacated are not used for any public purpose, except for utility services; and

WHEREAS, Jackson City Council hereby desires to vacate the alleys described in Exhibit "A", reserving easement rights for the purposes of utilities as set forth in O.R.C. 723.041.

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

Section One. The alleys as set forth in Exhibit "A", attached hereto and made a part hereof, are hereby vacated.

Section Two. This vacation is made upon the condition that the City and any other utilities retain any and all easements which may be appropriate in accordance with Ohio Revised Code Section 723.041. Any required access upon the vacated alleys shall be at no cost to the City, and the City of Jackson shall not be responsible for any damages as a result of the required entry upon the vacated alleys.

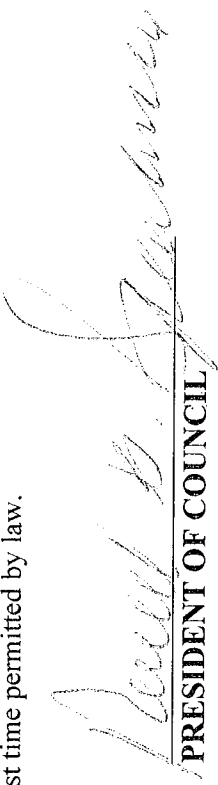
Section Three. The Clerk is hereby authorized to notify the Auditor of Jackson County of this vacation by sending him a copy of this ordinance. The Clerk is further instructed to see that a certified copy of this ordinance is recorded with the Recorder of Jackson County.

Section Four. 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 demolition of the buildings on the premises. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

Section Five. 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 Six. 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: 8-11-08


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

Approved:

Date: 8-12-08

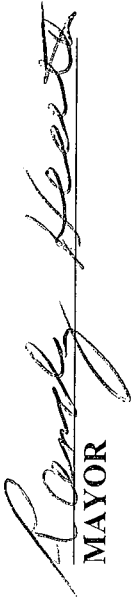

MAYOR

Exhibit “A”

Exhibit “A”

PETITION TO VACATE ALLEYS IN
DANIEL HOFFMAN'S 2ND ADDITION
TO THE CITY OF JACKSON,
JACKSON COUNTY, OHIO

TO THE COUNCIL OF THE CITY OF JACKSON, OHIO:

The undersigned respectfully represents to the Council of the City of Jackson, Ohio, that First Baptist Church is the sole owner of lots 48, 49, 50, 35, 34, 33 and outlot 32 & 31 in the Daniel Hoffman 2nd Addition to the City of Jackson, Ohio.

A plat of said addition is recorded in Plat Book 1 at page 25, in the office of the Recorder of Jackson County, Ohio.

The undersigned respectfully petitions the Council of the City of Jackson, Ohio, to vacate the entire length of the alleys abutting lots 48, 49, 50, 35, 34, 33 & outlot 32 in the to the City of Jackson, Ohio, being an alley 20.79 feet in width extending in a generally northeast direction from southwest end of lots 48 and 35 of Daniel Hoffman 2nd addition to end of alley at out lot 32 of Daniel Hoffman 2nd addition; and an alley 16.5 feet in width extending in a generally northwest by west direction from Broadway Street to Portsmouth Street..

This petition is presented to the Council for the reason that the proposed portions of the alley is to be vacated for the purpose of enhancing the safety of adults and children taking part in activities on the grounds of First Baptist Church of Jackson which completely encompass the alley in question. The traffic which presently comes through the alley often travels at a much too high rate of speed and is a direct risk to anyone using our church grounds. It is not necessary to continue to allow travel through the church property as there is ample access for travel by other routes.

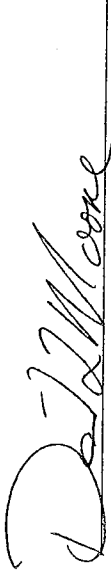
In the event the aforesaid vacation is granted, the undersigned acknowledges, agrees, and grants to the City of Jackson a permanent easement relating to public utilities in the vacated alley as provided in Section 723.041 of the Revised Code of Ohio.

The undersigned certifies that First Baptist Church is the sole owner of the real estate abutting the portion of the alley to be vacated by virtue of the following deed recorded in the Office of the Recorder of Jackson County, Ohio:

DEED BOOK X, PAGE 640
DEED BOOK 156, PAGE 128
DEED BOOK 41, PAGE 2308 - 2310
DEED BOOK 259, PAGE 709 - 710
DEED BOOK 244, PAGE 549 - 550

A plat of the portion of Daniel Hoffman's 2nd addition relating to the proposed vacation is attached.

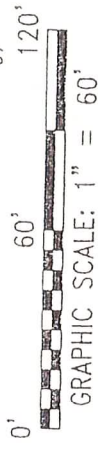
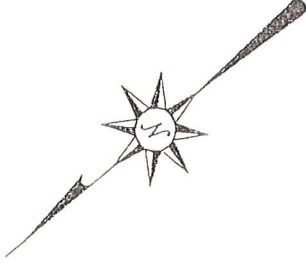
Date: 7-9-08



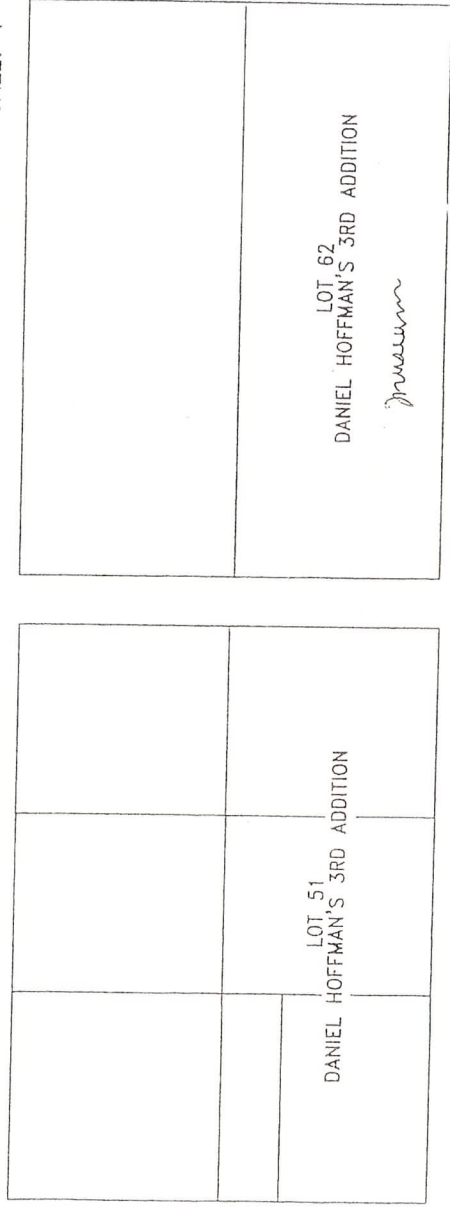
Signed by Trustee of First Baptist Church as Petitioner

LEGEND

- ⊙ 5/8" REBAR (30" LONG) WITH ID CAP SET, STAMPED "DANA EXLINE 7060"
- ⊙ MAG NAIL SET



BEARINGS ARE ROTATED TO A SURVEY DONE BY DANA EXLINE IN MAY OF 1993 FOR JAMES MCKINNISS IN D. HOFFMAN'S 3RD ADDITION



33' WIDE ALLEY

BOARD OF EDUCATION OF THE INCORPORATED VILLAGE OF JACKSON D.B. Q, PAGE 22

BOARD OF EDUCATION OF THE INCORPORATED VILLAGE OF JACKSON D.B. S, PAGE 504

PORTSMOUTH ST.
(85.80' WIDE)

N 39°54'55" E 116.45'

OUTLOT 31

OUTLOT 32

0.941 TOTAL ACRES
AUD. PARCEL # H14-011-00-102-00

LOT 50

DANIEL HOFFMAN'S 2ND ADDITION
BOARD OF EDUCATION OF THE INCORPORATED VILLAGE OF JACKSON
D.B. P, PAGE 637

S 39°56'05" W 66.00'

N 49°56'21" W 20.79'

N 39°56'05" E 66.00'

LOT 33
DANIEL HOFFMAN'S 2ND ADDITION
BOARD OF EDUCATION OF THE INCORPORATED VILLAGE OF JACKSON
D.B. P, PAGE 636

S 39°57'14" W 117.02'

BROADWAY ST.
(85.80' WIDE)

N 49°56'21" W 171.04'

POINT OF BEGINNING

SW COR LOT 50 IN
DANIEL HOFFMAN'S 2ND ADDITION

LOT 49

DANIEL HOFFMAN'S 2ND ADDITION

Lot 48

16.5' WIDE ALLEY

N 49°56'21" W 171.05'

20.79' WIDE ALLEY

LOT 34

DANIEL HOFFMAN'S 2ND ADDITION

Lot 35

Dana A. Exline

DANA A. EXLINE
PROFESSIONAL SURVEYOR #7060
STATE OF OHIO

#7060