

SPONSOR: Councilman Jeff Elliott / *Wiggins*

ORDINANCE NO. 19-09

AN ORDINANCE FINDING GOOD CAUSE FOR NARROWING AN ALLEY, AND NARROWING THE ALLEY RUNNING IN A GENERAL NORTH AND SOUTH DIRECTION, EXTENDING FROM BROADWAY STREET IN A SOUTHERLY DIRECTION TO TRIUMPH STREET, AND BEING ALONG THE EAST PROPERTY LINE OF THE JAMES CEMETERY, IN THE CITY OF JACKSON, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, a portion of the alley described in Exhibit "A", attached hereto and made a part hereof, is in the property used as the James Cemetery, and the alley can be narrowed and still allow the current ingress and egress; and

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

WHEREAS, Jackson City Council desires to narrow 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 narrowing the alley described in Exhibit "A", attached hereto and made a part hereof, and that the narrowing of the alley will not be detrimental to the general interest. Therefore, by ordinance and without petition, Jackson City Council hereby narrows the alley from 16.5 feet to 12 feet, with the 4.5 feet coming off the side of the alley bordering the James Cemetery, as described in Exhibit "A", attached hereto and made a part hereof. Pursuant to Ohio law ownership of the 4.5 feet narrowed portion of alley shall vest in the City of Jackson, as owners of the James Cemetery.

Section Two. This narrowing 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 narrow this alley as soon as possible to allow for the timely commencement and completion of the work being done on the James Cemetery property. 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 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: 2/23/09


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

Approved:

Date: 2/25/09


MAYOR

Exhibit “A”

9502

9506

9503

Cemetery Dead Line
Occupation Line
Dead Line

LOT 1

9501 9505

9500