Sponsor: Elliott / Hensler
ORDINANCE NO. 25-18

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF THE ALLEY BETWEEN 44 AND 48 NORTH STAR STREET OF THE CITY OF JACKSON.

WHEREAS, Peggy Isreal, the owner of 44 N. Star Street, being part of SSR lot 73, and Cynthia Stewart, et al, being all the owners of 48 N. Star Street, being part of lots 46, 47 and 48 of B. David's Addition in the City of Jackson and each of said land owners, being all owners of the property abutting the proposed alley to be vacated, have petitioned that a portion of the alley that is located between 44 and 48 N. Starr Avenue, as shown on the surveys attached hereto, be vacated as attached hereto as Exhibits A and B being the Petitions to Vacate, map and Ratifications and Waiver of Notice of adjacent landowners, legal descriptions and survey; and

WHEREAS, all notice requirements have been satisfied by the filing of the Waiver of all adjacent landowners as contained in Exhibits A and B; and

WHEREAS, the legislative authority of the City of Jackson has determined that vacating the portion of said road will not be detrimental to the general interest of the City or its residents; and

NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF JACKSON, THAT THE PORTION OF THE ALLEY BETWEEN 44 N. STARK AVE. AND 48 N. STARK AVE. OF THE CITY OF JACKSON, BE VACATED WITH OWNERSHIP OF SAID ALLEY REVERTING TO THE ADJACENT LANDOWNER, ONE-HALF TO EACH, AS DESCRIBED IN THE SURVEYS ATTACHED TO EXHIBITS A AND B HERETO AND THAT THE CITY RESERVES A PERMANENT EASEMENT FOR ANY AND ALL UTILITIES NOW LOCATED IN SAID ALLEY, AS PROVIDED FOR BY OHIO REVISED CODE SECTION 723.041.

It is hereby found and determined that all formal actions of this Council concerning and relating to adoption of this ordinance were adopted in an open meeting of this Council and the deliberations of this Council and any of its committees that resulted in such formal action were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the Legislati	ve Authority of the Political Subdivision on this 11th
day of <u>June</u> , 2018.	President of Council
ATTEST:	·

Clerk of the Legislative Authority

Approved this 1/th day of _______, 2018. Rangle flettet

PETITION TO VACATE ALLEY(s) OR STREET(s) IN (NAME OF 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 (he/she/it) is the sole owner of (insert lots or property description) in the (name of addition) to the City of Jackson, Ohio.

The undersigned respectfully petitions the Council of the City of Jackson, Ohio, to vacate (describe what to be vacated; ie; "the entire length of the alley abutting lots $\frac{1}{2}$ ($\frac{1}{2}$) etc.) in the (name of addition) to the City of Jackson, Ohio, being an (alley or street) $\frac{1}{2}$ feet in width extending in a generally (direction of alley or street; ie, northerly, southerly, etc.) directions.

This petition is presented to this Council for the reason that the proposed portions of the (alley{s} or street{s}) to be vacated (insert reason; ie, "no longer used as a public alley or street", "were never developed, constructed, or used as alley{s} or street{s}).

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{s} or street{s}) as provided in Section 723.041 of the Revised Code of Ohio.

The undersigned certifies that (he/she/it) is the sole owner of the real estate abutting the portion of the (alley{s} or street{s}) to be vacated by virtue of the following deed(s) recorded in the Office of the Recorder of Jackson County, Ohio.

(List deed references - D.B. 31, P.2929-)2930

A plat of the portion of (name of addition) relating to the proposed vacation is attached.

Date: 4/16/18 Cindy Stewart (Name of Petitioner)

RATIFICATION AND WAIVER OF LEGAL NOTICE

RE: PETITION TO VACATE (ALLEY(s) OR STREET(s)) IN THE (NAME OF ADDITION) TO THE CITY OF JACKSON, JACKSON COUNTY, OHIO

Pursuant to Section 723.06 of the Ohio Revised Code, the undersigned abutting property owner of a(n) (alley/street) abutting on the (east, west, south, north) line of lot(s) (insert lot number{s}) in the (name of addition) to the City of Jackson, Ohio, hereby approves the vacation of the (alley{s}/street{s}) as prayed for in the petition filed by (Name of Petitioner), a copy of which is attached hereto as "Exhibit A"; and, said undersigned abutting property owner further waives notice by publication as permitted pursuant to Section 723.06 of the Ohio Revised Code.

The undersigned abutting property owner(s) is/are the sole property owner(s) along the (alley(s)/street(s)) proposed to be vacated.

Date: 4/16/18

(Name of Petitioner)

APR 6 PAA

TEAN SEFE THE STANDS

MAY 11 2005

CLOSE IN HOLDREN
JACKSON COUNTY AUGUOR

OUT CLAIM DEED

200500047928 Filed for Record in JACKSON COUNTY, OHIO LINDA L. HODVER 05-11-2005 At 03:26 pm. GUIT C DEED 28:00 Book 31 Page 2929 - 2930

^{*} 200500047928 RICHARD LEWIS

Know all Men by these Presents

Instrument Book Page 200500047928 31 2929

That GERALD V. JONES and LOUELLA M. JONES, husband and wife, of Jackson County, Ohio, for valuable consideration paid, grants to JERI ALLIE, CYNTHIA STEWART, JULIE FANNIN and JoELLEN MULLINS, as tenants in common, and whose tax mailing address is 48 Star Street, Jackson, OH 45640, the following real property:

<u>Tract One: A part of Lot 46, B. David's Addition to the City of Jackson, Jackson County,</u>
Ohio, more particularly described as follows:

Beginning at the southwest corner of Lot 46,

thence East along the south line of Lot 46, a distance of fifty (50) feet to the southeast corner of Lot 46;

thence North along the east line of Lot 46 a distance of sixty-seven and three-fourths (67 3/4) feet to a point;

thence West parallel to the south line of Lot 46 a distance of fifty (50) feet to a point in the west line of Lot 46;

thence South along the west line of Lot 46 a distance of sixty-seven and three-fourths (67 1/4) feet to the southwest corner of Lot 46, and place of beginning.

<u>Tract Two:</u> Situated in the City of Jackson, Jackson County, Ohio, and being a parcel sixty-seven and three-fourths feet long off the south end of Lots 47 and 48 in B. David's Addition to the City of Jackson, and more particularly described as follows:

Beginning at the southwest corner of Lot 48 in B. David's Addition to the City of Jackson; thence east along the south line of Lot 48 and Lot 47 to the southeast corner of Lot 47; thence north along the east line of Lot 47 sixty-seven and three-fourths (67 ¾) feet to a point; thence west parallel to the south lines of Lots 47 and 48 to a point in the west line of Lot 48, which point is sixty-seven and three-fourths (67 ¾) feet north of the southwest corner of Lot 48; thence south along the west line of Lot 48 sixty-seven and three-fourths (67 ¾) feet to the place of beginning.

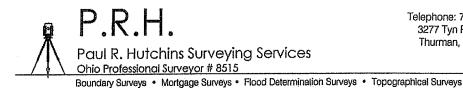
Parcel ID No. H14-014-00-216-00

Prior Instrument Reference: Volume 267, Page 248, Office of the Recorder, Jackson County, Ohio.

SAVE AND EXCEPT an estate for and during the term of the natural lives of Grantors, **GERALD** V. JONES and LOUELLA M. JONES, in the aforedescribed real property.

Signed and Acknowledged in the Presence of: Witness June June June Witness June	Witness their hand this day of	May, 2005.
State of Ohio, County of Jackson, SS: On this / day of		
Witness State of Ohio, County of Jackson, SS: On this	Aurida Saudill Witness	Guald V. Jones
State of Ohio, County of Jackson, SS: On this / day of	Josepher Dellary	Gerald V. Jones
State of Ohio, County of Jackson, SS: On this / day of	Anda Standill	
Witness State of Ohio, County of Jackson, SS: On this	Witness	
On this	Witness Blile	Louella M. Jones
behis/her voluntary act and deed. Witness my official signature and seal on the day last above mentioned. S E A L Notary Public, State of Ohio	- · · · · · · · · · · · · · · · · · · ·	
S E A L Notary Public, State of Ohio	State, personany came Geraid v. Jones and Louen	, 2005, before me, a Notary Public in and for said a M. Jones, and acknowledged the signing thereof to
S E A L Notary Public, State of Ohio My Commission Expires: 04-04-2010	Witness my official signature and seal on the	day last above mentioned.
	SEAL	Notary Public, State of Ohio My Commission Expires: 04-04-2010

This Instrument Prepared By: The Law Firm of Richard M. Lewis P. O. Box 664 295 Pearl Street Jackson, OH 45640 (740)286-0071



Telephone: 740-245-5529 3277 Tyn Rhos Road Thurman, OH 45685

Description of Survey For Jeri Allie, Cynthia Stewart, Julie Fannin, and Joellen Mullins

Situated in an alley in B. David's Addition to the City of Jackson (Plat Book 2 Pg. 218) SSR Lot 73, Township 7 North, Range 18 West, Salt Lick Township, Jackson County. State of Ohio and being more particularly described as follows:

Beginning at an iron pin set (all iron pins set are 5/8" x 30" rebar with blue plastic caps stamped P.R. HUTCHINS 8515) at the Southwest corner of Lot 48 of B. David's Addition to the City of Jackson (Plat Book 2 Pg. 218), said being being a corner common to Star Street (60.00') and an alley (16.50'), said pin being the southwest corner of Jeri Allie, Cynthia Stewart, Julie Fannin, and Joellen Mullins (O.R. 31 PG. 2929), said pin also being the Point of Beginning of the Newly Created Parcel herein described:

Thence (bearings are based on ODOT VRS RTK Network and used to denote angular measurement only) leaving said Star Street with the common line of said Jeri Allie, Cynthia Stewart, Julie Fannin, and Joellen Mullins and said alley South 85°41'16" East 150.00 feet to a point, said point being a corner common to an alley;

Thence leaving said Jeri Allie, Cynthia Stewart, Julie Fannin, and Joellen Mullins through said alley the following two bearings and distances:

- 1) South 04°18'44" West 8.25 feet to an iron pin set;
- 2) North 85°41'16" West 150.00 feet to a point, said point being on the right of way line of said Star Street;

Thence with the common line of said alley and Star Street North 04°18'44" East 8.25 feet to the point of Beginning containing 0.028 acres more or less, subject to all legal easement and restrictions;

Being the result of vacating an alley in B. David's Addition to the City of Jackson as recorded in Plat Book 2 Pg. 218.

Being Assigned a New Parcel Number:	
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Main sources of reference include deeds in O.R. 31 Pg. 2929, Vol. 328 Pg. 817, Vol. 275 Pg. 993, O.R. 97 Pg. 2141, Vol. 287 Pg. 493, O.R. 10 Pg. 2601, O.R. 76 Pg. 922, Vol. 105 Pg. 315, and O.R. 49 Pg. 933 of the Jackson County deed records. Jackson County Tax Maps, and Railroad Right of Way and Track Maps.

The above description is based on a survey conducted in May 2018 either by or under the direct supervision of Paul R. Hutchins, Registered Professional Surveyor No. S-8515.



The description and plat is approved for accurate mathematical closure and/or proper platting references.

COUNTY ENGINEER DATE

PETITION TO VACATE ALLEY(s) OR STREET(s) IN (NAME OF 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 (he/she/it) is the sole owner of (insert lots or property A plat of said addition is recorded in Plat Book on Page , in

the Office of the Recorder of Jackson County, Ohio.

The undersigned respectfully petitions the Council of the City of Jackson. Ohio, to vacate (describe what to be vacated; ie; "the entire length of the alley abutting lots 44 44 Fetc!) in the (name of addition) to the City of Jackson. Ohio, being an (alley or street) 4.50 feet in width extending in a generally (direction of alley or street; ie, northerly, southerly, etc.) directions.

This petition is presented to this Council for the reason that the proposed portions of the (alley{s} or street{s}) to be vacated (insert reason; ie, "no longer used as a public alley or street", "were never developed, constructed, or used as alley(s) or street(s)).

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{s} or street{s}) as provided in Section 723.041 of the Revised Code of Ohio.

The undersigned certifies that (he/she/it) is the sole owner of the real estate abutting the portion of the (alley(s) or street(s)) to be vacated by virtue of the following deed(s) recorded in the Office of the Recorder of Jackson County, Ohio.

(List deed references – D.B. $\frac{328}{28}$, P. $\frac{917-918}{2}$)

A plat of the portion of (name of addition) relating to the proposed vacation is attached.

Date: april 16, 7018 Page Inland
(Name of Retitioner)

RATIFICATION AND WAIVER OF LEGAL NOTICE

RE: PETITION TO VACATE (ALLEY(s) OR STREET(s)) IN THE (NAME OF ADDITION) TO THE CITY OF JACKSON, JACKSON COUNTY, OHIO

Pursuant to Section 723.06 of the Ohio Revised Code, the undersigned abutting property owner of a(n) (alley/street) abutting on the (east, west, south, north) line of lot(s) (insert lot number{s}) in the (name of addition) to the City of Jackson, Ohio, hereby approves the vacation of the (alley{s}/street{s}) as prayed for in the petition filed by (Name of Petitioner), a copy of which is attached hereto as "Exhibit A"; and, said undersigned abutting property owner further waives notice by publication as permitted pursuant to Section 723.06 of the Ohio Revised Code.

The undersigned abutting property owner(s) is/are the sole property owner(s) along the (alley{s}/street{s}) proposed to be vacated.

Date: <u>April 16, 7018</u>

Name of Petitioner)

APR 1 6 2018

Cily of Jontana

la Crument - Buok Pasc 2012/9:200015-08 - 116 - 43

201000000810 Filed for Record is DACKSON COUNTY: OHIO COSE WALTERS: RECORDER 02:14 2014 At 02:03 AG: REFIDAVIT 36:00 03:8001 11: Page 43

ZD14000000813 PEGGY ISRASI 44 M STAR S: 200KEON OH 45640

STATE of OHIO

TRANSFER ON DEATH DESIGNATION AFFIDAVIT

COUNTY of Jacksey

Peggy Israel, aka Peggy Israel, being first duly sworn according to law, states as follows:

 That Affiant, widowed and not remarried, is the owner of record of the following real property located at 44 North Star Street, Jackson, Ohio 45640, Parcel No. H14-014-00-241-00, as recorded at/as Deed Book 328, Pages 817-818 of the Jackson County deed records, and further described as follows:

Being real estate situated in the City of Jackson, County of Jackson and State of Ohio and being more particularly bounded and described as follows:

Being a part of Lot No. Seventy-three (73) Scioto Salt Reserve Land in Township No. Seven (7), of Range No. Eighteen (18), beginning at a point one rod west of the southwest corner of Lot No. Forty (40) in Kahn's Second Addition to the City of Jackson, and in the corner of the intersection of two alleys, for the place of beginning:

Thence running west, from said place of beginning, along the alley a distance of one hundred fifty (150) feet to Star Street; thence running north along said street a distance of one hundred forty nine (149) feet, more or less, to an alley; thence running east, along said alley, a distance of one hundred fifty (150) feet to a point; thence running south to the place of beginning. Saving and excepting from said premises the coal underlying said lot with the right to mine and remove the same.

Said premises being subject to the rights of The Ohio Fuel Gas Company under a lease for a booster station covering a small parcel on the north side of said premises.

2.	That title of record to the above property is held by Affiant as follows:		
		Sole Owner Tenant(s) in Common Tenant(s) in Survivorship Tenants by the Entireties	

3. That Affiant hereby designates the following undivided interest owned by Affiant to be designated for transfer on death to the person named below, as transfer on death beneficiary to receive the title of Affiant upon her death as follows:

Name of Beneficiary

Undivided Interest of Affiant(s)

Type of Tenancy

Danny Rawlins

100%

Sole Owner

4. This Affidavit, and the beneficiary designation set forth herein, hereby revokes, replaces and supersedes any prior beneficiary designations by Affiant, whether by deed or affidavit, related to the above-designated real property.

Affiant further sayeth naught.

Pergy Israel aka Peggy Israel

The foregoing instrument was sworn to and subscribed before me by Peggy Israel, aka Peggy Israel, this

16 th dayof of Mount , 2016.

ANNE A. CALLAHAN NOTARY PUBLIC STATE OF CHIC Comm. Expires

September 22, 2018

Notary Public

Instrument prepared by: Jonathan Holfinger, Esq. The Holfinger Stevenson Law Firm, Ltd. 4200 Regent St., Ste. 210 Columbus, OH 43219 After recording return to: Northwest Title Family of Companies, Inc. 239 E. Main St. Jackson, OH 45640 File No. 6-8334

EXHIBIT "A"

Being real estate situated in the City of Jackson, County of Jackson and State of Ohio and being more particularly bounded and described as follows:

Being a part of Lot No. Seventy-three (73) Scioto Salt Reserve Land in Township No. Seven (7), of Range No. Eighteen (18), beginning at a point one rod west of the southwest corner of Lot No. Forty (40) in Kahn's Second Addition to the City of Jackson, and in the corner of the intersection of two alleys, for the place of beginning:

Thence running west, from said place of beginning, along the alley a distance of one hundred fifty (150) feet to Star Street; thence running north along said street a distance of one hundred forty nine (149) feet, more or less, to an alley; thence running east, along said alley, a distance of one hundred fifty (150) feet to a point; thence running south to the place of beginning. Saving and excepting from said premises the coal underlying said lot with the right to mine and remove the same.

Said premises being subject to the rights of The Ohio Fuel Gas Company under a lease for a booster station covering a small parcel on the north side of said premises.

Telephone: 740-245-5529 3277 Tyn Rhos Road Thurman, OH 45685

Description of Survey For Peggy Isreal

Situated in an alley in B. David's Addition to the City of Jackson (Plat Book 2 Pg. 218) SSR Lot 73, Township 7 North, Range 18 West, Salt Lick Township, Jackson County, State of Ohio and being more particularly described as follows:

Beginning for reference at an iron pin set (all iron pins set are 5/8" x 30" rebar with blue plastic caps stamped P.R. HUTCHINS 8515) at the Southwest corner of Lot 48 of B. David's Addition to the City of Jackson (Plat Book 2 Pg. 218), said being being a corner common to Star Street (60.00') and an alley (16.50'), said pin being the southwest corner of Jeri Allie, Cynthia Stewart, Julie Fannin, and Joellen Mullins (O.R. 31 PG. 2929), thence (bearings are based on ODOT VRS RTK Network and used to denote angular measurement only) leaving said Jeri Allie, Cynthia Stewart, Julie Fannin, and Joellen Mullins with the common line of said Star Street and an alley South 04°18'44" West 8.25 feet to a point, said point being the Point of Beginning of the Newly Created Parcel herein described:

Thence leaving said Star Street through said alley the following two bearings and distances:

- 1) South 85°41'16" East 150.00 feet to an iron pin set;
- 2) South 04°18'44" West 8.25 feet to an iron pin set, said pin being a corner common to Peggy Isreal (Vol. 328 Pg. 817);

Thence with the common line of said Peggy Isreal and an alley North 85° 41'16" West 150.00 feet to an iron pin set, said pin being on the right of way line of said Star Street;

Thence leaving said Peggy Isreal with the common line of said Star Street an an alley North 04°18'44" East 8.25 feet to the point of Beginning containing 0.028 acres more or less, subject to all legal easement and restrictions;

Being the result of vacating an alley in B. David's Addition to the City of Jackson as recorded in Plat Book 2 Pg. 218.

Being Assigned a New	Parcel Number:	
0 0		

Main sources of reference include deeds in O.R. 31 Pg. 2929, Vol. 328 Pg. 817, Vol. 275 Pg. 993, O.R. 97 Pg. 2141, Vol. 287 Pg. 493, O.R. 10 Pg. 2601, O.R. 76 Pg. 922, Vol. 105 Pg. 315, and O.R. 49 Pg. 933 of the Jackson County deed records. Jackson County Tax Maps, and Railroad Right of Way and Track Maps.

The above description is based on a survey conducted in May 2018 either by or under the direct supervision of Paul R. Hutchins, Registered Professional Surveyor No. S-8515.

PAUL R.
HUTCHING
No. 8515

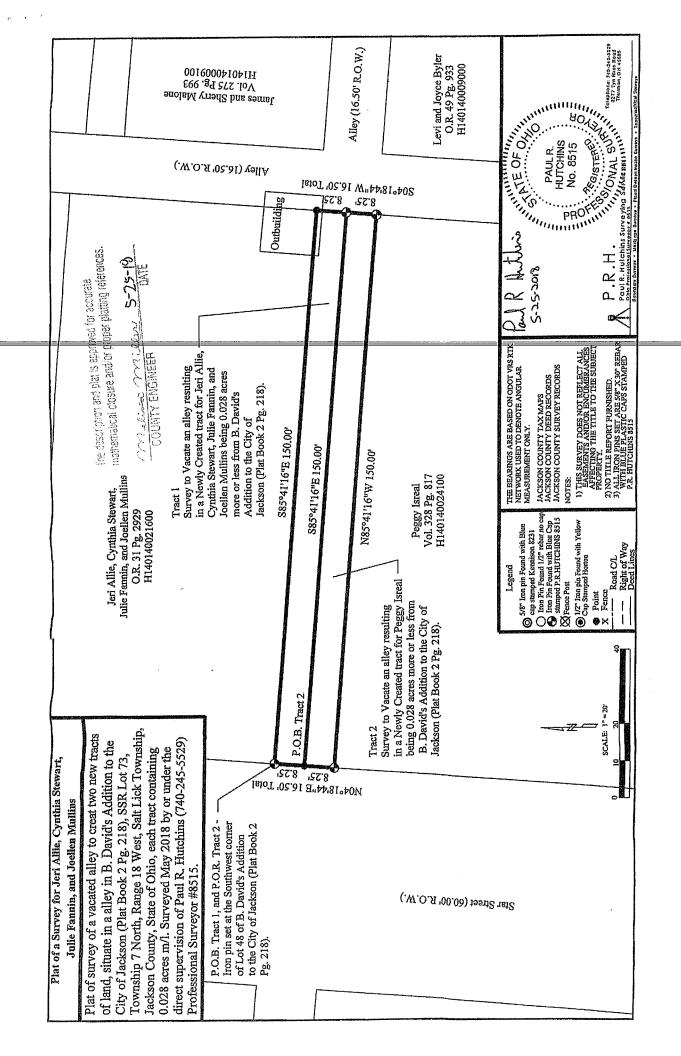
O/STERE

O/AL SURVIVO

O/AL SUR

The description and plat is approved for accurate mathematical closure and/or proper platting references.

COUNTY ENGINEER DATE



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