

Sponsor: Queen / Aldrich

ORDINANCE NO. 26-18

**AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF THE ALLEY BETWEEN LOTS 10 AND 112 OF KHAN'S ADDITION 2<sup>nd</sup> ON NORTH BENNETT AVENUE OF THE CITY OF JACKSON.**

WHEREAS, Thomas Hill and Rebecca are the owners of Lots 10 and 112 of Kahn's 2nd Addition of the City of Jackson on N. Bennett Avenue 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 lot 10 and lot 112 in Kahn's 2nd Addition of the City of Jackson on n. Bennett Avenue be vacated as attached hereto as Exhibit A being the Petition to Vacate, map and Ratification and Waiver of Notice of adjacent landowners; and

WHEREAS, all notice requirements have been satisfied by the filing of the Waiver of all adjacent landowners as contained in Exhibit A; 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 THE LOT 10 AND LOT 112 OF THE KAHN'S 2<sup>nd</sup> ADDITION OF THE CITY OF JACKSON, BE VACATED WITH OWNERSHIP OF SAID ALLEY REVERTING TO THE ADJACENT LANDOWNER, ONE-HALF TO EACH, 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 Legislative Authority of the Political Subdivision on this 11<sup>th</sup> day of June, 2018.

[Signature]  
President of Council

ATTEST:

[Signature]  
Clerk of the Legislative Authority

Approved this 11<sup>th</sup> day of June, 2018.

[Signature]  
Mayor

**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.

A plat of said addition is recorded in Plat Book 2 on Page 145, in the Office of the Recorder of Jackson County, Ohio.

*89 Lot 112  
Kakas 2nd*

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 10, 112, etc.) in the (name of addition) to the City of Jackson, Ohio, being an (alley or street) 16 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. 311, P. 655  
129 2102)

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

Date: June 5, 2018

Thomas Hill Rebecca J Hill  
(Name of Petitioner)

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### Jackson County GIS



Notes

Surveyors - Appalachian Professional Ass.  
Dale Exline - 286 9466  
418  
Tom Hill 740-0526

**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: June 5, 2018

Thomas Hill  
(Name of Petitioner)

Robert J Hill