

ORDINANCE # O-82-2014

AN ORDINANCE TO VACATE THE OPEN PINE ST. ALLEY EXTENSION FROM DIETRICH ALLEY TO EAST STREET IN THE VILLAGE OF BOLIVAR

WHEREAS, a petition has been made to the Village Council for the Village of Bolivar by landowners Richard and Connie Arney, Richard and Sharon Wigfield, and James and Patricia Stephens to vacate a currently open alley running through their properties;

WHEREAS, this alley is commonly known on Village maps as the Pine St. Alley Extension, and it runs from Dietrich Alley to East Street within the Village of Bolivar;

WHEREAS, a map of the aforementioned Alley is attached hereto as Exhibit A;

WHEREAS, Ohio Revised Code Section 723.04 permits the Village Council to vacate an alley upon petition of landowners in the vicinity of the alley which is the subject of the petition;

WHEREAS, publishing public notice of the petition to vacation was not required under Ohio Revised Code Section 723.06, as all owners of property abutting the portion of the alley to be vacated have submitted their consent to the vacation in writing to the Village Council, and copies are attached to this ordinance;

WHEREAS, the petition has been heard and discussed by the Village Council, and Council is satisfied that there is good cause for the vacation of the alley, that it will not be detrimental to the general interest of the Village, and that the vacation should be made;

WHEREAS, pursuant to Ohio Revised Code Section 723.041, any affected railroad or public utility, including the Village of Bolivar, shall retain to have a permanent easement over the vacated alley for the purpose of maintaining, operating, renewing, reconstructing, and removing utility facilities and for purposes of access to said facilities.

Now, therefore, be it ordained by the Village Council the Village of Bolivar, Ohio, as follows:

SECTION 1. The Village Council for the Village of Bolivar hereby declares that the Pine St. Alley Extension, running from Dietrich Alley to East Street, shall be vacated.

SECTION 2. The Village Council also declares that, pursuant to Ohio Revised Code Section 723.041, any affected railroad or public utility, including the Village of Bolivar, shall retain to have a permanent easement over the vacated alley for the purpose of maintaining, operating, renewing, reconstructing, and removing utility facilities and for purposes of access to said facilities.

READ: November 4, 2013, December 2, 2013, and January 9, 2014

PASSED: January 9, 2014

REBECCA HUBBLE, MAYOR

ATTEST:

MARIA APP, CLERK/TREASURER