

ORDINANCE NO. 13-14

**AN ORDINANCE TO VACATE A CERTAIN ALLEY SITUATED
IN THE CITY OF ASHLAND, OHIO AND DECLARING AN
EMERGENCY.**

WHEREAS, petitions have been presented to the Council of the City of Ashland, Ohio, requesting the vacation of certain alley in said City of Ashland; and

WHEREAS, said Council has, by Resolution No. 1-14, heretofore declared its intention to vacate said alley; and

WHEREAS, notice was given to all parties, as required by law, of the passage of said Resolution declaring the intention of Council to vacate said alley and the place, time and date of the hearing thereon to be held by the Board of Revision of Assessments; and

WHEREAS, the Board of Revision of Assessments has held a public hearing regarding the proposed vacation of said alley; and

WHEREAS: The Board of Revision of Assessments has held a meeting and voted to approve the vacation of said alley; and

WHEREAS, Council is satisfied that there is good cause for such vacation, that it will not be detrimental to the general welfare and interest and ought to be made; and

WHEREAS, it is immediately necessary to vacate said alley for the reason that said alley no longer serves a public purpose, this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare; now therefore

BE IT ORDAINED by the Council of the City of Ashland, State of Ohio, 5 members thereto concurring:

Section 1. That the following described alley situated in the City of Ashland, Ohio, be and the same are hereby, vacated:

A certain 12 foot wide north-south alley, situated between Lot Nos. 395 and 396, South Ashland from the North line of Lot Nos. 395 and 396, South Ashland, being the South right-of-way line of West Walnut Street (60') to the South line of Lot Nos. 395 and 396, South Ashland;

Section 2. For the reason that the continued existence of the alley herein vacated will prevent planned development of the properties abutting thereon or otherwise cause undue hardship on the owners of said properties, this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, peace, property and welfare.

Section 3. That the vacation is to be subject to the right of the City to use all or any part of said alley for the construction, operation, and maintenance of waterline, sewer lines, and any other public utility, and the right of public utility companies including, but not limited to, gas, electric, cable and telephone, to use all or any part of said alley for the operation and maintenance of existing facilities, and if any costs in using said alley as aforesaid are incurred by said City or public utility companies at any time, which costs are greater than would otherwise be, as a result of the erection of buildings or any other structures or obstructions thereon, said costs shall be borne by the property owner or owners of said property of said alley.

Section 4. That this Ordinance shall take effect and be in force from and after its passage by Council and approval pursuant to Section 12 of the Charter of the City of Ashland, Ohio.

PASSED: March 18, 2014

/s/ Stephen L. Stuart
Stephen L. Stuart, President of Council

Attest: /s/ Lindsey Queen
Lindsey Queen, Interim Clerk of Council

Approved: /s/ Richard P. Wolfe
~~Glen P. Stewart, Mayor~~
Richard P. Wolfe II, Acting Mayor

Approved as to form & correctness:

/s/ Richard P. Wolfe
Richard P. Wolfe II, Director of Law

Date: March 18, 2014