

ORDINANCE NO. 51-15

**AN ORDINANCE TO VACATE CERTAIN ALLEYS 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 alleys in said City of Ashland; and

WHEREAS, said Council has, by Resolution No. 14-15, heretofore declared its intention to vacate said alleys; 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 alleys 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 alleys; and

WHEREAS: The Board of Revision of Assessments has held a meeting and voted to approve the vacation of said alleys; 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 alleys for the reason that the properties abutting thereon are now restricted as to development thereof because of said alleys, 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 alleys situated in the City of Ashland, Ohio, be and the same are hereby, vacated:

Ordinance No. 51-15

Page 2 of 2

two certain 12 foot wide alleys, situated between Lot Nos. 869, 870, 871 and 872, North Ashland; being a north-south alley, from the south right of way line of E. 9th Street (50') to the south line of Lot No. 870, North Ashland and a north-south alley from the south right of way line of E. 9th Street (50'), to the south line of Lot No. 871, North Ashland;

Section 2. For the reason that the continued existence of the alleys 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 alleys 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 alleys for the operation and maintenance of existing facilities, and if any costs in using said alleys 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 alleys.

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: July 7, 2015

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

Attest: Elizabeth A. McClurg
Elizabeth A. McClurg, Interim Clerk of Council

Approved: Glen P. Stewart
Glen P. Stewart, Mayor

Approved as to form & correctness:

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

Date: July 7, 2015

Prepared by the City of Ashland, Engineering Division



**PROPOSED
VACATED ALLEYS**

E 9TH ST (50')

HN333	868 NA	HN337	869 NA	HN341	870 NA	HN347	871 NA	HN351	872 NA	HN357	873 NA
-------	--------	-------	--------	-------	--------	-------	--------	-------	--------	-------	--------

12' VACATED ALLEY

15' VACATED ALLEY

15' VACATED ALLEY

1059 NA	1060 NA	1061 NA	1062 NA	1063 NA	1064 NA
---------	---------	---------	---------	---------	---------

12' VACATED ALLEY

12' VACATED ALLEY

E 8TH ST (50')

12' VACATED ALLEY

12' VACATED ALLEY

12' VACATED ALLEY

HN336

HN328