

ORDINANCE NO. 87-16

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

**WHEREAS**, a petition has been presented to the Council of the City of Ashland, Ohio, requesting the vacation of a certain alley in said City of Ashland; and

**WHEREAS**, said Council has, by Resolution No. 6-16, 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 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 the properties abutting thereon are now restricted as to development thereof because of said alley, 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:

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A certain 12 foot wide north-south alley, situated between Lot Nos. 59A and 60, North Ashland; from the south right of way line of E. 3rd Street (50') to the south line of Lot Nos. 59A and 60, North 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: September 20<sup>th</sup>, 2016

Ruth G. Detrow  
Ruth G. Detrow, President of Council

Attest: Jody Toms  
Jody Toms, 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: September 20<sup>th</sup>, 2016

This petition has been signed by 1 of 1 adjoining property owners and was delivered to the Mayor's office for the Clerk of Council on July 8, 2016. Shane A. Kremser, P.E., City Engineer

By: Laura J. Bullard  
Laura J. Bullard, P.S.

Date: July 14, 2015

PETITION

TO: COUNCIL OF THE CITY OF ASHLAND, STATE OF OHIO:

We, the undersigned, owners of the lots and lands bounding and abutting on: a certain 12 foot wide north-south alley, situated between Lot Nos. 59A and 60 North Ashland,;

do hereby petition your honorable body to vacate the alley: from the south right of way line of East Third Street (50') to the south line of Lot Nos. 59A and 60, North Ashland;

That this vacation is to be subject to the right of the City to use all or any part of said alley for the construction and maintenance of water lines, 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 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 the respective alley.

Said alley is no longer of use to the public and its vacation will not be detrimental to the general interest.

We, the undersigned, hereby waive any notice of passage of the resolution declaring the intention of Council to vacate the above mentioned alley as specified, and we do further waive any notice of the time and place of the hearing before the board of Revision and Assessments.

OWNER

SPOUSE

LOT NO.

Jerry D. Swan  
Signature  
Jerry D. Swan  
Printed Name

Annets Post 96  
Signature  
Annets Post 96  
Printed Name

59A, N.A.  
60, N.A.

William B. Ferguson  
Signature  
William B. Ferguson  
Printed Name

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

Richard Rafield  
Signature  
Richard Rafield  
Printed Name

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

LEGEND

- WATERLINE
- SANITARY SEWER
- STORM SEWER
- MANHOLE
- CATCH BASIN

PROPOSED  
VACATED ALLEY

E 3RD ST (50')

UNION ST (50')

E 2ND ST (50')

HN237A  
58 SA

58A SA

HN233  
58B SA

HN165  
58C SA

58D SA

59 SA

59A SA

59B SA

HN211  
60 SA

HN217  
60A SA

56 SA

55 SA

HN220

12' ALLEY

