RESOLUTION NO. 6-16

A RESOLUTION DECLARING COUNCIL'S INTENTION TO VACATE A CERTAIN ALLEY LOCATED IN THE CITY OF ASHLAND, OHIO

WHEREAS, Council is considering whether a certain alley located in the City of Ashland, Ohio, is no longer necessary for the public use, and that the vacation thereof will not be detrimental to the general interest; now therefore,

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

Section 1. That Council's intention be and hereby is to vacate a certain alley located in the City of Ashland, Ohio, described as follows:

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 East Third Street (50') to the south line of Lot Nos. 59A and 60, North Ashland;

Section 2. 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 any existing public utility, and the right of private 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 private 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 3. That the Board of Revision of Assessments shall hold a hearing for the purpose of considering objections to the vacating of said alley on Tuesday, the 6TH day of September, 2016, at 7:10 p.m., in the Council Chambers, Municipal Building, 206 Claremont Avenue, Ashland, Ohio.

Section 4. That the Clerk of Council shall cause notice of said intention to vacate and said hearing of objection to be served in accordance with Section 105 of the Charter of the City of Ashland, Ohio, upon those abutting owners who have not signed petitions waiving said notice.

Section 5. That this Resolution shall take effect and be in force from and after the earliest period allowed by Law.

Passed: July 19, 2016

Ruth G. Detrow, 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 and correctness:

Richard P. Wolfe II, Director of Law

Date: July 19, 2016

The City of Ashland
PROPOSED LEGISLATION
Resolution – Declaring Intention to Vacate a Public Alley

DATE: July 13, 2016

TO: Honorable Mayor Glen P. Stewart & City Council

FROM: Shane Kremser, P.E., City Engineer

LEGISLATION SUMMARY: This Resolution is for Council's consideration to declare the intent to vacate a public alley and hold a public hearing.

LEGISLATIVE HISTORY: None

LEGISLATIVE PURPOSE: AmVets Post 96, who owns the property located at 209 and 211 East 3rd Street, requested that the public alley located between their properties be vacated. Our Ordinance requires that a petition be circulated to property owners adjoining the ally to be vacated. In this instance, the only property owner is the Applicant. The Petition is attached for your reference. Even though the petition is only required to be circulated to adjacent property owners, we also reached out to Associated Charities for their input on vacating the alley. Ms. Donley stated that she had no objections to the alley being vacated.

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,;

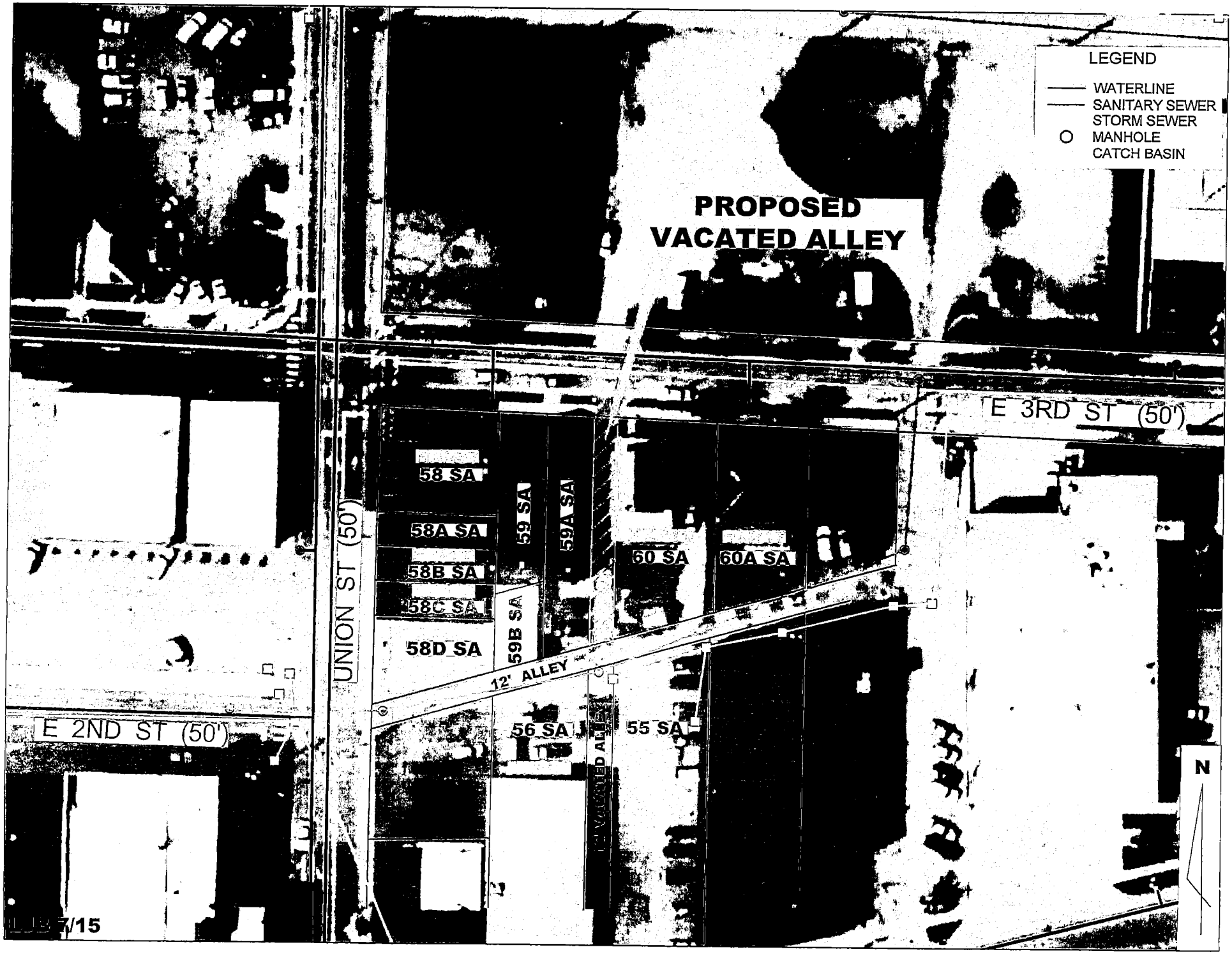
do hereby petition your honorable body to vacate the alley: from the south right of way line of East Third Street (50') to the south line of Lot Nos. 59A and 60, North Ashland;

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. Sloan Commander Signature	Amvets Post 96 Signature	59A, N.A. 60, N.A.
JERRY D. SLOAN Printed Name	Amvets Post 96 Printed Name	
William E. Ferguson Signature	Signature	
Vice Commander William E Ferguson Printed Name	Printed Name	
Richard Rafeld Signature Adjutant	Signature	
Richard Rafeld Printed Name	Printed Name	


LEGEND
WATERLINE
SANITARY SEWER
STORM SEWER
MANHOLE
CATCH BASIN
PROPOSED
VACATED ALLEY
E 3RD ST (50')
E 2ND ST (50')
UNION ST (50')
58 SA
58A SA
58B SA
58C SA
58D SA
59 SA
59A SA
59B SA
60 SA
60A SA
56 SA
55 SA
12' ALLEY
N