

ORDINANCE NO. 217 (22-23)

An Ordinance to vacate the platted/undeveloped portion of Van Bergen Avenue, South of the intersection of Maine Street, in the City of Marietta, Ohio.

WHEREAS, the Council of the City of Marietta, Ohio, has received a Petition (copy attached hereto as Exhibit "1", and incorporated herein) from three (3) property owners whose property abuts an undeveloped portion of Van Bergen Avenue, requesting to have said undeveloped portion vacated; and

WHEREAS, the Petition, signed by each of the owners who property abuts the undeveloped portion of Van Bergen Avenue, requests that the platted/undeveloped portion of Van Bergen Avenue, South of the intersection of Maine Street in Norwood View Subdivision, be vacated; and

WHEREAS, the City of Marietta, Ohio, has no objection to vacating the portion of Van Bergen Avenue, South of Maine Street; and

WHEREAS, the City Engineer's Office contacted the Ohio Department of Transportation (ODOT), District 10 representatives who indicated that the State of Ohio has no interest in any of the portion of Van Bergen Avenue that is to be vacated, and therefore, does not object the vacation of Van Bergen Avenue; and

WHEREAS, the Council of the City of Marietta, Ohio, finds that there is good cause for vacating the portion of Van Bergen Avenue, South of the intersection of Maine Street, in the City of Marietta, Ohio, and that it will not be detrimental to the general interest of the City, State, or public; and,

WHEREAS, the Council of the City of Marietta, Ohio, finds that the requirements of Chapter 723 of the Ohio Revised Code have been fully complied with; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARIETTA, OHIO:

Section 1: That for good cause shown and for the reason that the vacation of Van Bergen Avenue, South of Maine Street, in the City of Marietta, Ohio, will not be detrimental to the interest of the City of Marietta, or the State of Ohio, or the general public, this Council shall and does hereby declare the same to be vacated as hereinafter referenced:

State of Ohio, County of Washington, Corporation of Marietta, Norwood View Subdivision, Tax Map 3 East, Plat Book 3, Page 36, Part of 3 Acre Lots 103, 104, and 135, Section 24, Town 2, Range 8.

Description of total area of Van Bergen Avenue to be vacated containing 0.1377 Acre. (please see Exhibit "2" attached hereto and incorporated herein).

Description of Tract "A" to be vacated containing 0.0086 Acre. (please see Exhibit "A" attached hereto and incorporated herein).

Description of Tract "B" to be vacated containing 0.0259 Acre. (please see Exhibit "B" attached hereto and incorporated herein)

Description of Tract "C" to be vacated containing 0.0344 Acre. (please see Exhibit "C" attached hereto and incorporated herein)

Description of Tract "D" to be vacated containing 0.0344 Acre. (please see Exhibit "D" attached hereto and incorporated herein)

Description of Tract "E" to be vacated containing 0.0086 Acre. (please see Exhibit "E" attached hereto and incorporated herein)

Description of Tract "E-1" to be vacated containing 0.0258 Acre. (please see Exhibit "E-1" attached hereto and incorporated herein)


The Division of the Vacated Portion of Van Bergen Avenue is outlined in Exhibit "3" attached hereto.

Section 2: That the City of Marietta, Ohio, shall retain a permanent easement in the vacated street or avenue for public utilities, for the purpose of maintaining, operating, reconstructing, and removing said utility facilities, and for purposes of access to said facilities.


Section 3: That the City Engineer shall be and is hereby instructed to prepare a vacation plat of the vacated portion of Van Bergen Avenue, South of the Intersection of Main Street in the City of Marietta, Ohio; and the Clerk of Council is hereby instructed to endorse thereon, the action of this Council in declaring the same vacated, and to cause said plat to be recorded in the Office of the Recorder of Washington County, Ohio, as shown in Exhibit "4", attached hereto and incorporated herein.

Section 4: That this Ordinance shall take effect and be in full force from and after the earliest time allowed by law.


Introduced by the Streets and Transportation Committee, Sue Boyer, Chairwoman.

  
Chairwoman

Passed this 16<sup>th</sup> day of March, 2023.

  
President of Council

ATTEST:

  
Clerk of Council

Approved this 16<sup>th</sup> day of March, 2023.





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Mayor

First Reading Feb. 16, 2023

Second Reading March 2, 2023

Third Reading March 16, 2023