

ORDINANCE NO. 358 (22-23)

An Ordinance to vacate portions of unimproved right-of-way located in the City of Marietta, Washington County, Ohio, known as Ash Avenue, and an Unnamed Alley bordered by Buckeye Avenue, North Hart Street, Elmwood Avenue and Pike Street, being real property owned by Wetz Properties, LLC as described in Volume 310, Page 1788, Official Records of Washington County, Ohio and declaring an EMERGENCY.

WHEREAS, the Council of the City of Marietta, Ohio, has received a written "Petition for Vacating of Unimproved Rights-of-Way" located in the City of Marietta, Ohio, known as Ash Avenue; and an Unnamed Alley bordered by Buckeye Avenue, North Hart Street, Elmwood Avenue and Pike Street", executed by Jared Decker, Agent for PKPJ Land Development, LLC, petitioner. (see Exhibit "A" attached hereto). The real property being vacated is owned by Wetz Properties, LLC and is located in Lots Number 3 and 4, in Block Number 105 in East End Addition to the City of Marietta, Ohio, dedicated by William H. Leeper, Trustee, on June 6, 1893 and presented for recording in Plat Book 2, Page 55 in the Office of the Recorder of Washington County, Ohio on May 16, 1896; and

WHEREAS, the Council of the City of Marietta, Ohio, finds that there is good cause for vacating portions of unimproved right-of-way located in the City of Marietta, Washington County, Ohio, known as Ash Avenue, and an unnamed alley bordered by Buckeye Avenue, North Hart Street, Elmwood Avenue and Pike Street, being owned by Wetz Properties LLC, as described in Volume 310, Page 1788, Official Records of Washington County, Ohio; and that the vacation thereof, will not be detrimental to the general interest of the City of Marietta, Ohio; and,

WHEREAS, the Council of the City of Marietta, Ohio, finds that the requirements of Chapter 723 of the Ohio Revised Code and Chapter 1143.09(m) of the Codified Ordinances of the City of Marietta, Ohio, have been fully complied with; now, therefore,

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

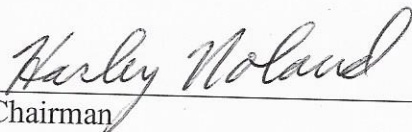
Section 1: That the portions of unimproved right-of-way located in the City of Marietta, Washington County, Ohio, known as Ash Avenue, and an unnamed alley bordered by Buckeye Avenue, North Hart Street, Elmwood Avenue and Pike Street, being owned by

Wetz Properties, LLC as described in Volume 310, Page 1788, Official Records of Washington County, Ohio shall be vacated, as it will not be detrimental to the general interest of the City of Marietta, Ohio.

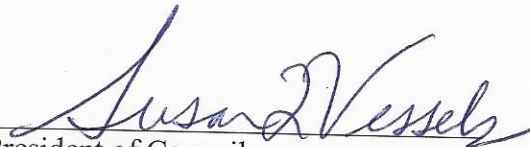
- Section 2: That this Council shall and does hereby declare the same to be vacated.
- Section 3: That the portions of said unimproved Rights-of-Ways are depicted on the attached Exhibit "B" as TRACT TWO, containing 0.391 Acre (total proposed closure of Ash Avenue); and TRACT FOUR, containing 0.098 Acre (proposed closure of alley).
- Section 4: That the City Engineer shall be and is hereby instructed to have prepared a vacation Plat of the vacated portions of the unimproved right-of-way; and of the unnamed alley as described in Section 1, and the Clerk of Council is instructed to endorse thereon the action of this Council in declaring the same vacated, and to cause said Ordinance and Plat, attached hereto as Exhibit "B", to be recorded in the Office of the Recorder of Washington County, Ohio.
- Section 5: That this Ordinance shall be and is hereby declared to be an EMERGENCY measure necessary for the immediate preservation of the public peace, health and safety of the City of Marietta, Ohio, and for the further reason that the portions of the unimproved right-of-way and the unnamed alley needs to be vacated prior to the end of calendar year 2023.

WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

Introduced by the Streets and Transportation Committee, Harley Noland, Chairman.

  
Chairman

Passed this 21<sup>st</sup> day of December, 2023.

  
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President of Council

ATTEST:

  
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Clerk of Council

Approved this 21<sup>st</sup> day of December, 2023.

  
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Mayor

First Reading November 16, 2023

Second Reading December 7, 2023

Third Reading December 21, 2023