

ORDINANCE NO. 24-2022

**AN ORDINANCE APPROVING THE VACATION OF A PUBLIC ALLEY WITHIN
THE VILLAGE OF PLAIN CITY RUNNING BETWEEN MAIN STREET AND
BIGELOW AVENUE**

WHEREAS, the Village of Plain City has received a petition pursuant to Ohio Revised Code Section 723.04 requesting the vacation of a public alley running between Main Street and Bigelow Street; and

WHEREAS, the Village has reviewed the petitioned request to vacate the public alley described in the Petition; and

WHEREAS, the Petition has been signed by all abutting property owners of the territory proposed for vacation by the Village; and

WHEREAS, the Village has determined that the vacation of said alley will not be detrimental to the general interest of the public; and

WHEREAS, the Village has requested that a four (4) foot wide strip of land in the center of the proposed vacated alley, running between Main Street and Bigelow Avenue, be kept open as a pedestrian right-of-way and has requested an easement from each of the petitioners for said purposes; and

WHEREAS, the execution and recording of said easements is a condition precedent upon the vacation of said alley.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of Plain City, as follows:

- Section 1.** The Village Council hereby approves the vacation of the public alley and associated public right-of-way depicted on the petition submitted, which is attached hereto and incorporated herein as Exhibit A.
- Section 2.** As a condition precedent to Section 1 of this Ordinance, petitioners shall each execute an easement to the Village of Plain City for the purpose of keeping a portion of the vacated alley open to pedestrian use. The execution and receipt of the easements is a condition precedent to the vacation of the alley and the Village will not proceed with forwarding vacation documents to the County unless and until the easements have been fully executed and received by the Village.
- Section 3.** Upon execution of the easements, the Village Council hereby authorizes the Fiscal Officer to record a certified copy of this Ordinance and record the same with the Madison County Recorder's Office. Immediately following the recording of this Ordinance shall be the recording of the easements.
- Section 4.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of

Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 5. This Ordinance shall take effect at the earliest time allowed by law.

Passed: November 14, 2022.

Attest: Austin Reavis
Village Clerk

Jody Carney
Mayor

First reading: November 2, 2022.

Vote: ___ yea ___ nay ___ abstain

Second reading: November 14, 2022.

Vote: 5 yea ___ nay ___ abstain

CERTIFICATE

The undersigned, Fiscal Officer of the Village of Plain City, Ohio, hereby certifies that the foregoing is a true and accurate copy of Ordinance No. 24-2022, passed by the Council of the Village of Plain City, Ohio on the 14 day of November, 2022.

Renee Sonnett
Fiscal Officer, Village of Plain City, Ohio

Approved as to form:
Paul-Michael La Fayette
Village Solicitor

**PETITION TO THE VILLAGE COUNCIL OF PLAIN CITY OHIO TO
VACATE STREET OR ALLEY**

(R.C. 723.04)*

The undersigned owner(s) of lots situated in the Village of Plain City, Ohio, and in the immediate vicinity of a certain street or alley described as follows:

Unnamed alley runs between Lot 44 and 45 of "Bigelow2" Plat and is bounded between W. Main St. and W. Bigelow Ave. Please see attached map, Auditor information and surveys. MTC Rentals LLC owns the portion of Lot 44 abutting the West side of alley. Baerenburg Ltd. owns both portions of Lot 45 that abut the alley on the East side.

The undersigned respectfully petition(s) the Council of the Village of Plain City that said street or alley, described above, may be vacated between the points named for the reason that it is no longer of use to the public and its vacation will not be detrimental to the public interest.

BAERENBURG LTD. By *[Signature]* MEMBER PARCEL # 04-00476.000
Owner PART OF LOT 45 BIGELOW 2 PLAT
Lot or Parcel Identification No.

BAERENBURG LTD. By *[Signature]* MEMBER PARCEL # 04-00164.000
Owner PART OF LOT 45 BIGELOW 2 PLAT
Lot or Parcel Identification No.

MTC Rentals LLC *[Signature]* PARCEL # 04-00352.000
Owner PART OF LOT 44 BIGELOW 2 PLAT
Lot or Parcel Identification No.

Owner Lot or Parcel Identification No.

Owner Lot or Parcel Identification No.

Date of Petition Submission:

* 723.04 Change of name, vacating, or narrowing streets on petition.

The legislative authority of a municipal corporation, on petition by a person owning a lot in the municipal corporation praying that a street or alley in the immediate vicinity of such lot be vacated or narrowed, or the name thereof changed, upon hearing, and upon being satisfied that there is good cause for such change of name, vacation, or narrowing, that it will not be detrimental to the general interest, and that it should be made, may, by ordinance, declare such street or alley vacated, narrowed, or the name thereof changed. The legislative authority may include in one ordinance the change of name, vacation, or narrowing of more than one street, avenue, or alley. The original ordinance or a certified copy thereof shall be recorded in the official records of the county recorder.