

Village of Crooksville, Ohio

COPY

ORDINANCE NO. 2558

**ORDINANCE VACATING A PORTION OF WEST BROWN STREET IN THE
TERRACE ADDITION OF THE VILLAGE OF CROOKSVILLE,
PERRY COUNTY, OHIO**

Whereas, pursuant to Ohio Revised Code § 723.04, the legislative authority of a municipal corporation, on petition by a person owning a lot in the municipal corporation praying that a street in the immediate vicinity of such lot be vacated, and upon hearing and being satisfied that there is good cause for such vacation, that it will not be detrimental to the general interest, and that it should be made, may by Ordinance, declare such street vacated; and

Whereas, pursuant to the original plat for the Terrace Addition to the Village of Crooksville, Plat Book 3, Page 127, of the Plat Records, Perry County Recorder, there exists a public way known as West Brown Street; and

Whereas, on November 5, 1973, the Village Council did pass Ordinance #1002, vacating 25 feet of said West Brown Street adjacent to and West of Lot Number 411 in the Terrace Addition; and

Whereas, on April 4, 2016, Village resident and owner of Lot Number 412 in the Terrace Addition, John Loomis, did present to this Village Council his Petition praying that the remainder of said West Brown Street, 25 feet East of and in the immediate vicinity of Lot Number 412 be vacated; and

Whereas, upon hearing said Petition of John Loomis, and being satisfied that there is good cause for such vacation, that it will not be detrimental to the general interest, and that it should be made, the Village Council hereby desires to take action in accordance with Ohio Revised Code Section 723.04, but reserving to the Village all rights for public utilities purposes as provided herein below and as provided by Ohio Revised Code Section 723.041.

NOW THEREFORE BE IT, AND IT IS HEREBY ORDAINED by the Village of Crooksville, Perry County, State of Ohio, that:

Section 1. That certain tract of land 100' x 25' directly East of and adjacent to Lot Number 412 of the Terrace Addition to the Village of Crooksville, Ohio, as depicted in the Vacation Plat attached hereto and incorporated herein by reference, is hereby VACATED.

Section 2. Provided however, the Village of Crooksville reserves and retains a permanent easement in such vacated portion of West Brown Street, for the purpose of installing, maintaining, operating, renewing, reconstructing, repairing, replacing, removing and accessing, by itself or by any licensees or a holder of a franchise from the Village, any poles, wires, pipes,

conduits, sewer mains, water mains, or any other facility or equipment for the maintenance or operation of any utility now or hereafter located in the street or portion thereof vacated by this Ordinance.

Section 3. In accordance with Ohio Revised Code § 711.39 and 723.04, a certified copy of this Ordinance and the Vacation Plat attached hereto and incorporated herein by reference shall be transferred in the office of the Perry County Auditor. Further, the vacated portion of West Brown Street shall be returned to the tax duplicate and taxed to the owner of Lot 412, the benefitting adjacent lot.

Section 4. In accordance with Ohio Revised Code § 723.04, a certified copy of this Ordinance and the Vacation Plat attached hereto and incorporated herein by reference shall be recorded in the office of the Perry County Recorder in the same manner as plats are originally transferred and recorded. Further, upon the filing of the Vacation Plat with the Perry County Recorder, a cross reference to the record of the vacated portion of the plat shall be made by the Recorder on the original plat of the Terrace Addition to the Village of Crooksville.

Section 4. This Ordinance shall take effect at the earliest date allowable by law.

1st Reading: 5/16/16.
2nd Reading: 6/20/16.
3rd Reading: 7/5/16.

Passed: July 5, 2016.



Fred Redfern, Mayor

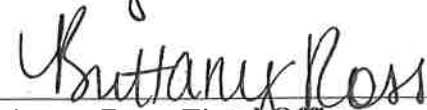
ATTESTED:



Brittany Ross, Fiscal Officer

Posting Certification

This ordinance was posted at the five prescribed locations within the Village of Crooksville, Ohio, on the 6th day of July, 2016.



Brittany Ross, Fiscal Officer