

ORDINANCE TO VACATE ONE (1) 15' WIDE EAST/WEST ALLEY  
LOCATED BETWEEN ST. JAMES STREET AND COURTLAND  
TERRACE PURSUANT TO ORC 723.041 RETAINING PERMANENT  
EASEMENT RIGHTS (**Applicant, Steve and Marsha Adams**)

WHEREAS, in the opinion of this Council, there is good cause for vacating the one (1) 15' wide east/west alley located south of Lot Numbers 4251, 4252, and 4253 in H. Barnhart's Addition (Plat Book 2, page 273), and lying north of Lot Numbers 12981 and 12982 in Courtland Terrace Addition (Plat Book 3, page 258) in the City of Marion; and

WHEREAS, the petition to vacate these alleys were considered and approved by a 7-0 vote from the Marion City Planning Commission at its meeting of December 4, 2018 and

WHEREAS, notice to all abutting landowners was given in accordance with Marion Codified Ordinances 903.08; and

WHEREAS, Council, upon hearing, is satisfied that said vacation will not be detrimental to the general interest and ought to be made;

BE IT ORDAINED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the alley as described in the attached Exhibit "A", be and is hereby vacated.

Section 2. That title to the real estate comprising said alleys shall revert to the abutting property owners in accordance with the laws of Ohio.

Further, as provided by statute, 723.041, a Permanent easement remains in the subject vacated alley way: When any street, alley...is vacated all utilities rights, easement, access whether owned privately or by any governmental authority, located on, over, or under the portion of the street, alley, or highway affected by such vacation shall be deemed to have a permanent easement in such vacated portion of such street, alley, or highway for the purpose of maintaining, operating, renewing, reconstructing, and removing said utility facilities and for purposes of access to said facilities.

Section 3. The Clerk of Council be and she is hereby authorized and directed to certify a copy of the within ordinance to the Auditor of Marion County and to the Recorder of Marion County, Ohio.

Section 4. That this ordinance shall become effective from and after the earliest period allowed by law.

Approved:

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Todd Schneider  
President of Council

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Mayor Scott Schertzer

ATTEST:

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Clerk of Council

