

ORDINANCE TO VACATE ONE (1) 16.5' WIDE NORTH/SOUTH ALLEY  
LOCATED EAST OF THE MARION COUNTY COURTHOUSE AND  
BETWEEN THE COURTHOUSE AND THE COUNTY OWNED ANNEX  
BUILDING PURSUANT TO ORC 723.041 RETAINING PERMANENT  
EASEMENT RIGHTS (contingent applicant, Marion County Commissioners)

WHEREAS, in the opinion of this Council, there is good cause for vacating the one (1) 16.5' wide north/south alley lying west of Lots 37 & 38 in the Original Plat of Marion (Plat Book 1, page 3), and lying east of the Marion County Courthouse (Public Square, Deed Vol. 1, Page 18-19, City of Marion, Marion County, State of Ohio,

WHEREAS, the petition to vacate said alley was considered and approved by a 7-0 vote from the Marion City Planning Commission at its meeting of March 16, 2021 with the following expressed contingencies:

- 1.) The Marion County Commissioners pass a Resolution affirming and ratifying the original application dated on the September 9, 2020, (Bailiff) and
- 2.) Insert expressed conditions from Planning Motion here, such as: Any barrier's such as fencing shall have approved slats or visual barriers of an aesthetically pleasing color and shall not contain barbed wire or razor wire.

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, contingent and expressly conditioned upon the Marion County Commissioner's passing a Resolution affirming and ratifying the original application requesting vacation.

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:

Todd Schneider

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President of Council

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Mayor Scott Schertzer

ATTEST:

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Clerk of Council

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Todd Schneider  
President of Council

APPROVED:

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Mayor Scott Schertzer

ATTEST:

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Tarina R. Rose  
Clerk of Council