

ORDINANCE TO VACATE SOUTHERN 80' PORTION OF GILL AVE. AND VACATE 12' WIDE x 306.41' LONG EAST WEST ALLEY PURSUANT TO ORC 723.041 RETAINING PERMANENT EASEMENT RIGHTS (applicant, Nucor Steel Marion)

WHEREAS, in the opinion of this Council, there is good cause to vacate southern 80' portion of Gill Ave. and to vacate 12' x 306.41 long East West alley at the south end of Gill Ave.,

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

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 street portion and alley as described in the attached Exhibit "A", be and is hereby vacated, contingent upon: "input from residents regarding a cul-de-sac or allow relocation that is consistent and approved by the Engineer in order to have access for our fire apparatus and emergency vehicles."

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.

Todd Schneider
President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

Tarina R. Rose
Clerk of Council