

**APPLICATION FOR MINOR SUBDIVISION OF LAND IN
ACCORDANCE WITH CITY OF NAPOLEON OHIO CODE
OF GENERAL ORDINANCES SECTION 1105.06 ENTITLED
VARIANCES AND EXCEPTIONS.**

DATE: 1-17-00 FEE: \$5.00
TOWNSHIP NAME: Napoleon SECTION #: 14
SUBDIVISION NAME: Heller + Donnelly's First LOT: 11+12
ADDRESS OF SUBDIVISION: 806 + 808 W. Clinton St.
NAME OF CURRENT OWNER: Encil + Timothy ReBeau
OWNER ADDRESS: 1080 Becca Ln
CITY: Napoleon STATE: OH ZIP: 43545
OWNER PHONE: (419) 592-8561
NAME OF PURCHASER: Karen E. Weitzel
PURCHASER ADDRESS: 808 W. Clinton St.
CITY: Napoleon STATE: OH ZIP: 43545
PURCHASER PHONE: (419) 592-1258
SURVEYOR NAME: Paul J. Westhoven
SURVEYOR ADDRESS: 523 E. Riverview Ave. Napoleon
SURVEY DRAWING #: 4029a-H-CN-10-20-99
APPLICANT SIGNATURE: [Signature]
CITY ZONING ADMINISTRATOR: [Signature]

COPIES OF THIS APPLICATION TO: HENRY COUNTY ENGINEER, OWNER, APPLICANT AND CITY ZONING DEPARTMENT.

ORDINANCE NO. 28-99

AN ORDINANCE VACATING A CERTAIN ALLEY LOCATED BETWEEN 806 AND 808 WEST CLINTON STREET IN THE CITY OF NAPOLEON, OHIO

Whereas, a petition was filed by Encil Rebeau praying for vacation of a certain alley between 806 and 808 West Clinton Street, Napoleon, Ohio pursuant to Chapter 909 of the Codified Ordinances of the City of Napoleon, Ohio and Chapter 723 of the Revised Code; and,

Whereas, the Planning Commission had a Public Hearing (PC-99-02), after being duly published, and there was no opposition; moreover, the Commission passed Resolution PC-99-02 recommending that said alley be vacated by the Napoleon City Council;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, this Council finds that there has been compliance with all applicable provisions of the Ohio Revised Code and the City's Code of Codified Ordinances in regards to this vacation, including but not limited to the notice requirement.

Section 2. That, this Council finds that there exists a petition signed by the owner(s) of the property abutting upon the alley located along the east side of Lot 12 of Heller and Donnelly's First Addition running north/south between the north side of West Clinton Street and the right of way of the former Norfolk and Southern railroad as shown on the plat currently on file in the office of the Zoning Administrator.

Section 3. That, this Council further finds there is good cause for such alley vacation as prayed for, that such vacation of the alley will not be detrimental to the general interests and ought to be and is made subject to the following: an 8.25 foot wide permanent easement on the east one half (1/2) of the existing alley for the installation, maintaining, operating, renewing, constructing, reconstructing and removing of utility facilities, and for the purpose to access said facilities, is being reserved pursuant to Section 723.041 of the Ohio Revised Code.

Section 4. That, the City Engineer is hereby instructed to have prepared a vacation plat of said vacated alley and the Clerk of Council is instructed to endorse upon such plat, the action of this Council in vacating such alley and to cause said plat to be recorded in the office of the Recorder of Henry County, Ohio.

Section 5. That, the Clerk of Council is directed to notify the Auditor of Henry County of the vacation, by sending her a copy of this Ordinance.

Section 6. That, the directives as stated in Sections 4 and 5 of this Ordinance shall only be completed after payment of all costs to the City owed by the petitioner as established in Chapter 909 of the Codified Ordinances of the City of Napoleon, Ohio.

Section 7. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 8. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 9. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: April 19, 1999

Michael J. DeWit
Michael J. DeWit, Council President

Approved: 4/19/99

Donald M. Stange
Donald M. Stange, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest: Gregory J. Heath
Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 28-99 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 19 day of April, 1999 & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

AUDITORS OFFICE
TRANSFERRED

MAY 19 1999

Ida L. Bostelman
HENRY CO. AUDITOR (C.O.)

This Conveyance has been examined and the Grantor has complied with Section 319.202 of the Revised Code.
FEE \$
EXEMPT
IDA L. BOSTELMAN, County Auditor

9900003268
Filed for Record in
HENRY COUNTY OHIO
ARLENE A WALLACE
On 05-19-1999 At 11:45:53 am.
ORDINANCE 22.00
OR Volume 51 Page 520 - 522 R

9900003268
CITY OF NAPOLEON
SHERYL 592-3503

I, Gregory J. Heath, Clerk of the City of Napoleon, Ohio, do hereby certify that the above Ordinance No. 28-99 is a true and accurate copy of Ordinance No. 28-99 of the City of Napoleon, Ohio.

Gregory J. Heath
Gregory J. Heath

04/29/99
Date

ORDINANCE NO. 28-99

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Section 8. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

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Michael J. DeWit
Michael J. DeWit, Council President

Approved: 4/19/99

Donald M. Stange
Donald M. Stange, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest: Gregory J. Heath
Gregory J. Heath, Clerk/Finance Director

200000007921
Filed for Record in
HENRY COUNTY OHIO
ARLENE A WALLACE
On 02-02-2000 At 02:16 pm.
ORDINANCE 18.00
OR Volume 65 Page 36 - 38

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 28-99 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 23 day of April, 1999; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath
Gregory J. Heath, Clerk/Finance Director

ALLEYVACREBEAU hwp N \lotus\wordpro\lawdire\ordinanc 4/6/99 5:28 AM

200000007921
CITY OF NAPOLEON
PICK UP 599-1235

This Conveyance has been examined and the Grantor has complied with Section 319.202 of the Revised Code.
FEE \$
EXEMPT
DA L. BOSTELMAN, County Auditor

AUDITORS OFFICE
TRANSFERRED
FEB 02 2000
D. J. Bostelman
HENRY CO. AUDITOR

PLAT OF SURVEY

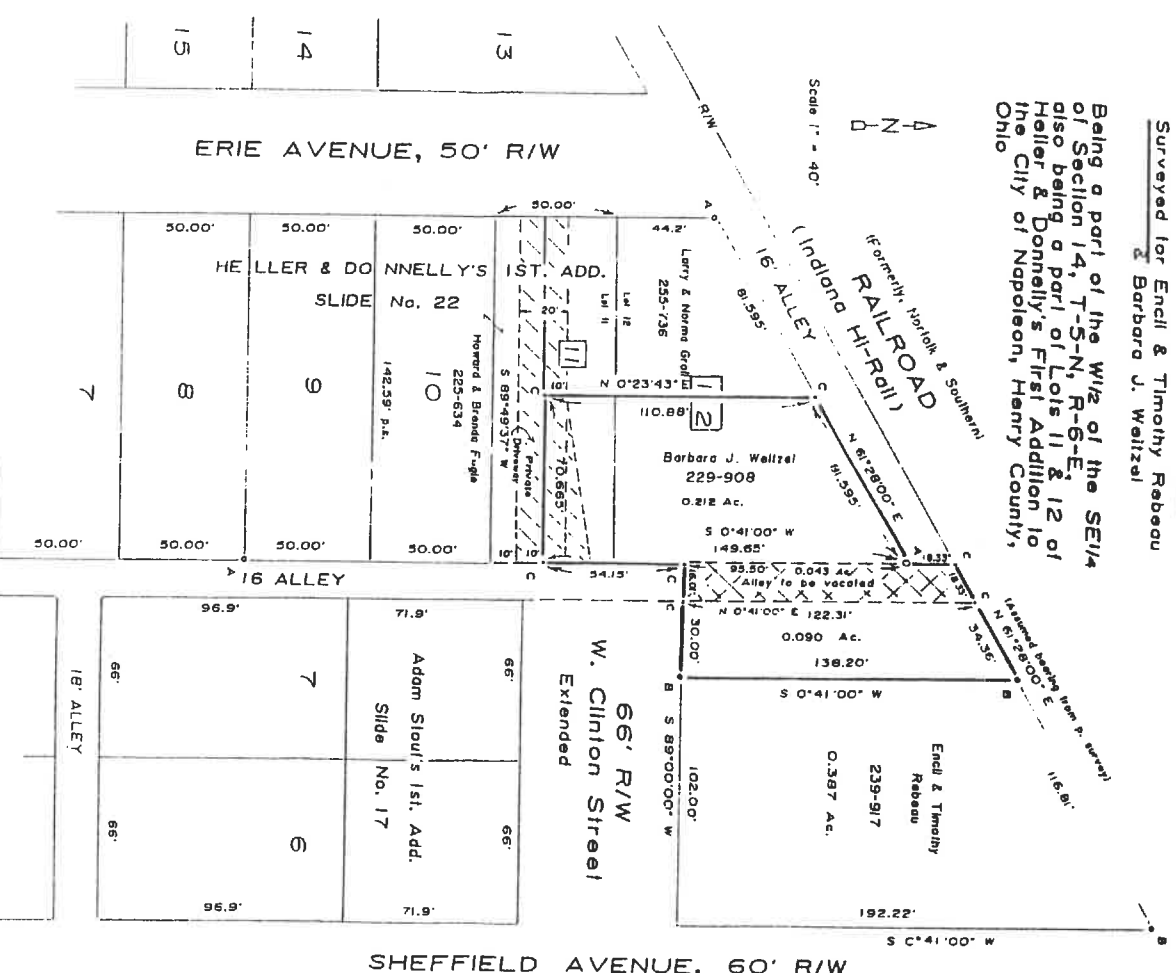
Surveyed for Encll & Timothy Rebeau
 & Barbara J. Weitzel

Being a part of the W 1/2 of the SE 1/4 of Section 14, T-5-N, R-6-E, also being a part of Lots 11 & 12 of Heller & Donnelly's First Addition to the City of Napoleon, Henry County, Ohio

Scale 1" = 40'

North Arrow

Formerly, Norfolk & Southern RAILROAD (Indiana Hi-Rail)



LEGEND

- A- Iron pipe found from previous survey in Vol. 5, Pg. 56.
- B- Iron pin with red cap found from prev. survey by me in October, 1989.
- C- Point found or established this survey.

I hereby certify this survey and notes to be correct to the best of my knowledge.

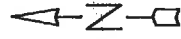
Paul J. Washoven
 Registered Surveyor No. 5602
 February 11, 1998
 Survey No. 40294-H-CN-2-12-98



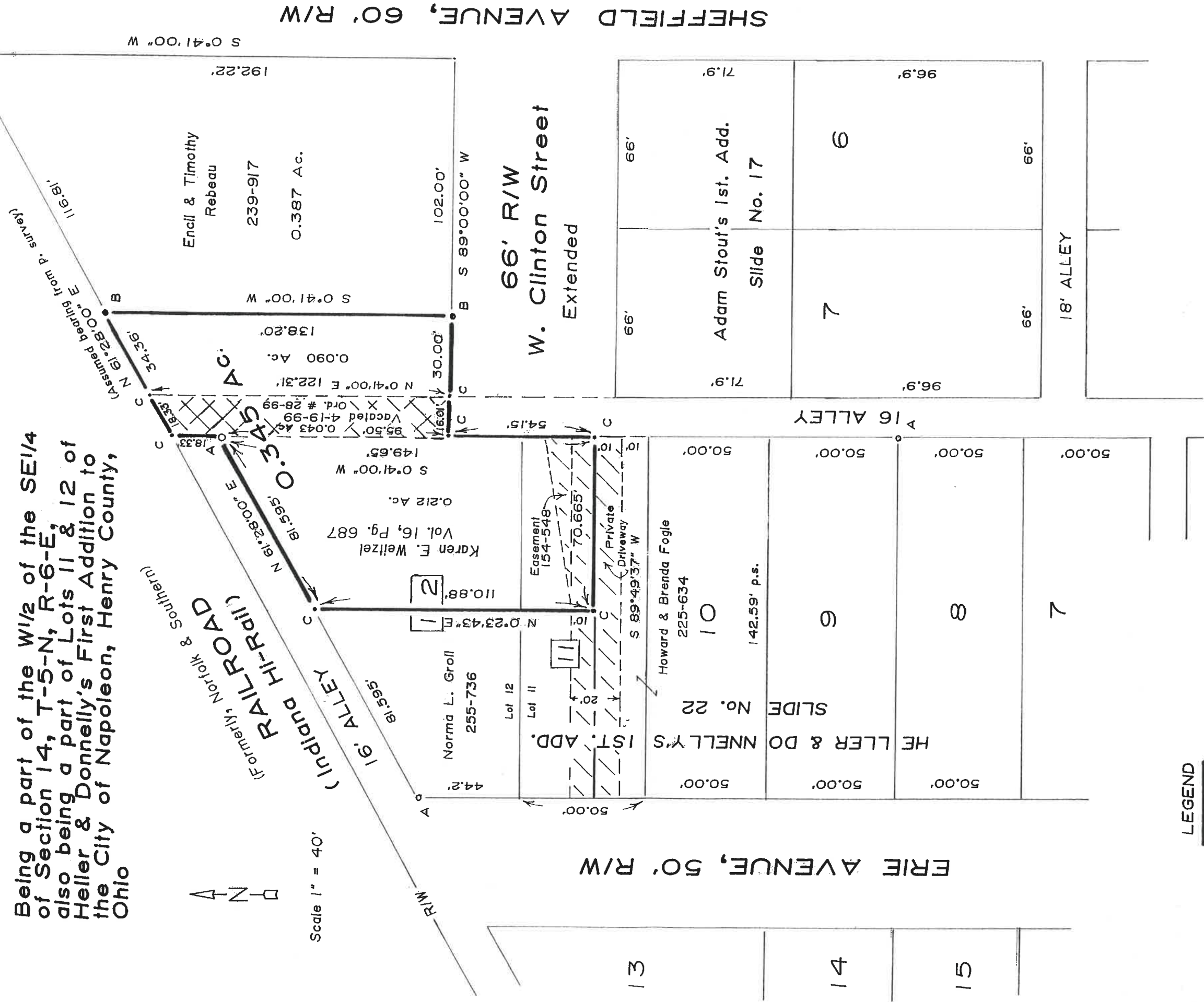
PLAT of SURVEY

Surveyed for Encil & Timothy Rebeau

Being a part of the W¹/₂ of the SE¹/₄ of Section 14, T-5-N, R-6-E, also being a part of Lots 11 & 12 of Heller & Donnelly's First Addition to the City of Napoleon, Henry County, Ohio

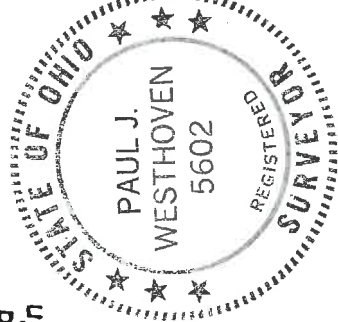


Scale 1" = 40'



LEGEND

- A- Iron pipe found from previous survey in Vol. 5, Pg. 58.
 - B- Iron pin with ref. cap found from prev. survey by me in October, 1989.
 - C- Point found or established this survey.
- I hereby certify this survey and notes to be correct to the best of my knowledge.



Paul J. Westhoven
 Paul J. Westhoven
 Registered Surveyor No. 5602
 February 11, 1998
 Survey No. 4029a-H-CN-10-20-99