

Memorandum

To: Mayor, City Manager & Members of City Council
From: Brent N Damman, Zoning Administrator *BND*
Date: 02/05/96
Subject: Alley Vacation 415 & 421 E. Washington
Hearing #: PC 96/03

Background:

An application was made by Marvin Buchholz 402 W. Maumee Napoleon, Ohio requesting the vacation of a certain public alley located between lot 78 & 79 of the Original Plat of Napoleon at the addresses of 415 and 421 E. Washington. The request is pursuant to the Ohio Revised Code section 713.02

Research and Findings:

1. The applicant filed the proper petition papers and submitted the appropriate fees according to City Ordinance.
2. Public notices' have been sent to property owners within the entire City block and at this writing I have not received complaints or concerns from persons notified.
3. The purpose of this request is to prevent vehicular traffic from using this alley.
4. There will be a ten (10) foot wide utility easement retained in the center of this alleyway.
5. I have reviewed this request with City staff and it has been determined that there are no existing City utilities in the alleyway.

General Information:

According to City Code, buildings, structures, fences, trees, shrubs and the like may not be placed within a utility easement, however this would not prevent the owners from posting a no trespassing sign/private property at either end and/or narrowing the alleyway to the ten foot

wide easement point to help prevent vehicular traffic from passage. The owners could also use a barricade to block the alleyway, so long as it is not buried in the ground and can be easily removed by utility personnel.

Administrative Opinion and Recommendation :

I believe that by retaining a 10 foot wide utility easement through the center of this alleyway will allow for any future use that the City may have it. Therefore, I am recommending the Planning Commission approve the vacation of this City alleyway and retain a ten foot wide utility easement through the center of it.

Planning Commission Recommendation

THE PLANNING COMMISSION RECOMMENDS THAT CITY COUNCIL APPROVE THE VACATION OF THE SUBJECT ALLEY WITH THE RETENTION OF A 10 FOOT WIDE UTILITY EASEMENT IN THE CENTER OF AND RUNNING THE LENGTH OF SAID ALLEYWAY.

MINUTES OF THE CITY OF NAPOLEON PLANNING COMMISSION HEARING NUMBER PC96/03 HELD ON JANUARY 9, 1996 at 5:00PM:

Members Present: Mayor Don Stange, Chairman C. Richard McBroom, Ann Luzny, Larry Haase, Jon Bisher, Secretary Brent Damman.

Others Present:

McBroom: Read public notice for hearing # PC96/03 and asked if all persons were notified according to ordinance and requested secretary to read research and findings.

Damman: Stated that all persons had been notified according to law and there were no responses, then read research and findings along with recommendation and opinions as repeated in this memo.

McBroom: Asked for comments from the board.

Mayor Stange: I have no comment

Haase: Stated that he was opposed to vacating City property because we may need to use it someday and it won't be there, he went on to say that we may need it for utility purposes for water lines or sewer lines.

Damman: That is why we have suggested the retention of a 10 foot wide utility easement in the center of this alleyway so that we can use it later for such purpose.

Luzny: I have no comment

Bisher: I am also opposed to selling City property but by retaining the 10 foot easement we can still use it later for utilities. It seems crazy to keep it if we haven't used it for anything yet and besides that we will get property tax from it when it is sold but yet we can still use it for utilities.

Damman: When City staff reviews these requests we check to make sure there is left at least one way through the City block via a City alleyway. That way there is always a way to get to a backyard area not otherwise accessible.

McBroom: Any further discussion ? Therefore I would entertain a motion.

Motion: PC 96/03

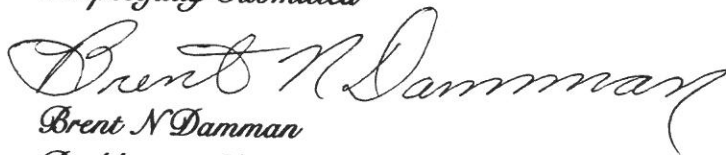
Bisher: To recommend City Council approve the vacation of the subject alleyway with the retention of a 10 foot wide utility easement through the center running the length of said alleyway.

Luzny: Seconded

VOTE CAST:

HAASE:	In Favor
BISHER:	In Favor
LUZNY:	In Favor
MAYOR:	In Favor
MCBROOM:	In Favor

Respectfully Submitted



*Brent N Damman
Building & Zoning
Administrator*