

**ORDINANCE NO. 013-14**

**AN ORDINANCE VACATING A CERTAIN ALLEY LOCATED  
BEHIND 619 SOUTH PERRY STREET LOTS 41 AND 42 IN E.T.  
BARNES FIRST ADDITION OF THE CITY OF NAPOLEON,  
HENRY COUNTY, OHIO**

**WHEREAS**, a petition was filed by a person owning a lot in the municipal corporation praying that an alley in the immediate vicinity of such lot be vacated, located in E.T. Barnes First Addition of the City of Napoleon, Ohio pursuant to Chapter 909 of the Codified Ordinances of the City of Napoleon, Ohio and Chapter 723 of the Ohio Revised Code; and,

**WHEREAS**, the Planning Commission had a Public Hearing (PC-14-02), after being duly published, and there was no opposition; and,

**WHEREAS**, the Planning Commission passed Resolution PC-14-02 recommending that said alley be vacated by the Napoleon City Council; Now Therefore,

**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 Chpt. 723 of the Ohio Revised Code and Chpt. 909 of Codified Ordinances in regards to vacation of a certain alley as more particularly described in Section 2. of this Ordinance, including but not limited to the notice requirement.

Section 2. That, this Council finds that there exists a petition signed by an authorized person owning a lot in the municipal corporation praying that an alley in the immediate vicinity of such lot be vacated, more specifically, the alley located behind 619 South Perry Street (Quilters Hideaway) Lots 41 and 42 in E.T. Barnes First Addition of the City of Napoleon, Henry County, Ohio, as shown on the plat currently on file in the office of the Zoning Administrator and as shown on Exhibit "A" which is attached and incorporated herein.

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 City reserving an easement therein for the installation, maintaining, operating, renewing, constructing, reconstructing and removing of any existing utility facilities, and for the purpose to access said facilities, pursuant to Section 723.041 of the Ohio Revised Code.

Section 4. That, the City Engineer is hereby instructed to present the vacation plat of said vacated alley to the Clerk of Council and the Clerk is instructed to endorse upon such plat, the action of this Council in vacating such alley and to cause this Ordinance and the 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, Ohio of the vacation, by sending a copy of this Ordinance.

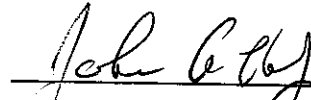
Section 6. That, the directives as stated in Sections 4 and 5 of this Ordinance shall only be completed after payment of all costs to the City owed by the petitioner as established in Chapter 909 of the Codified Ordinances of the City of Napoleon, Ohio.

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.

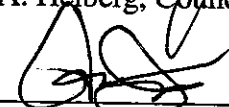
Section 8. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining 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 21, 2014

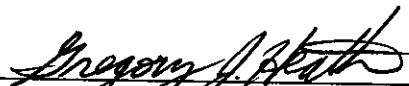
  
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John A. Helberg, Council President

Approved: April 21, 2014

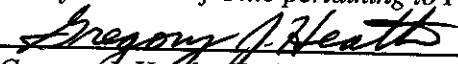
  
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Ronald A. Behm, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

  
\_\_\_\_\_  
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. 013-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 19<sup>th</sup> day of May ~~19~~ 2014, & 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.

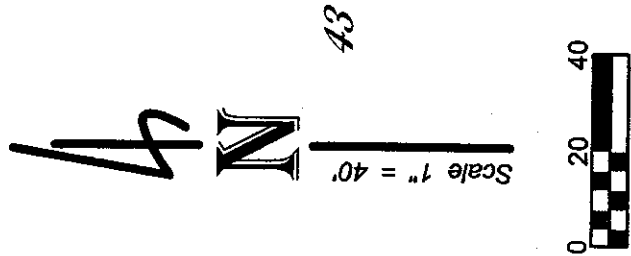
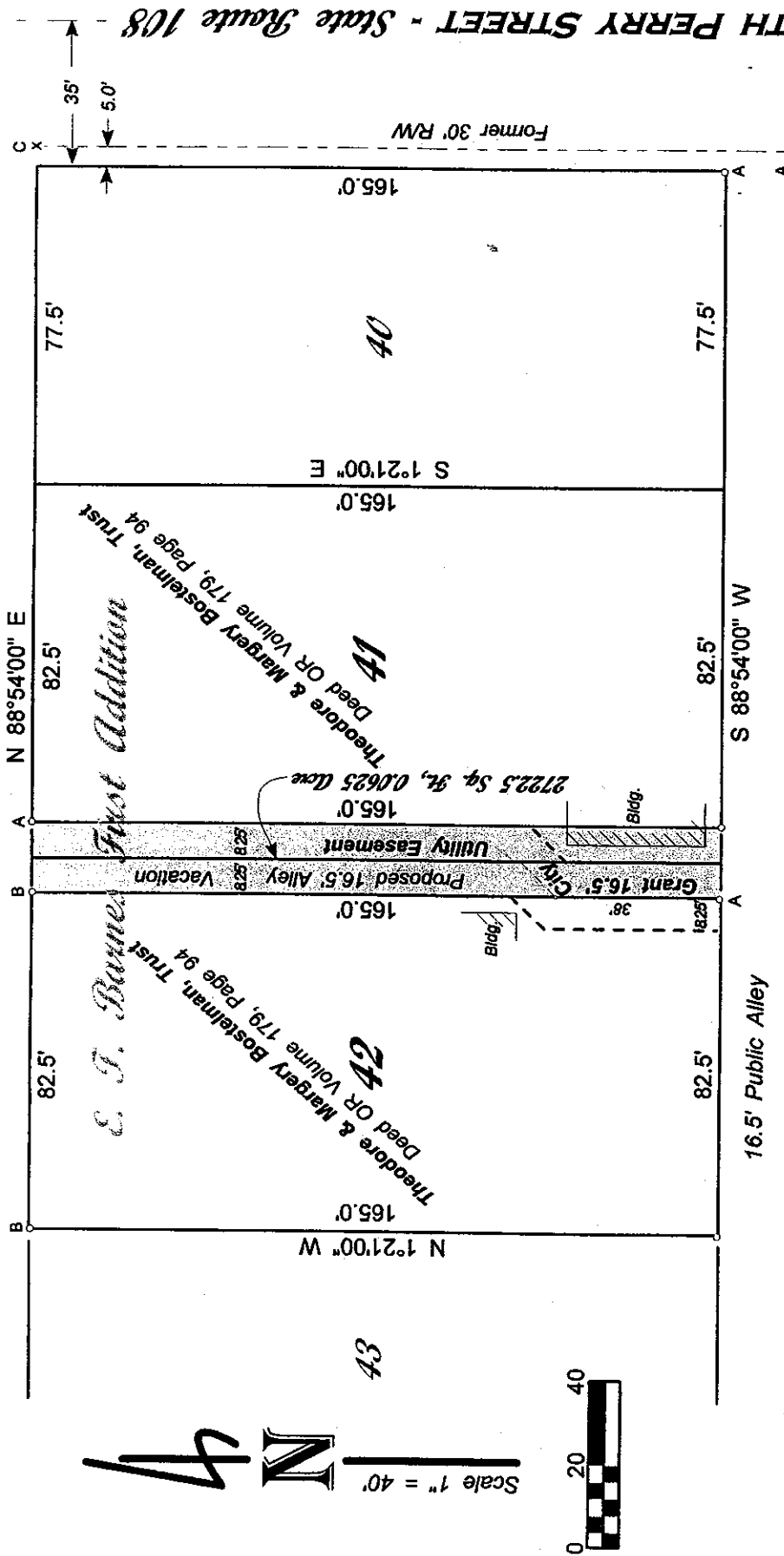
  
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Gregory J. Heath, Clerk/Finance Director

619 S Perry alley vaca 013

VACATION PLAT FOR THE ALLEY  
 BETWEEN LOTS NUMBERED 41 AND 42 IN E. T. BARNES FIRST ADDITION  
 TO THE CITY OF NAPOLEON, OHIO, HENRY COUNTY, OHIO

WEST BARNES AVENUE 66' RW

EXHIBIT "A"



LEGEND

- A - Found iron pin from previous survey.
- B - Found iron pipe from previous survey.
- C - Found cross in sidewalk from previous survey.