

ORDINANCE NO. 073-15

AN ORDINANCE VACATING A PORTION OF A CERTAIN ALLEY AND ROADWAY LOCATED AT 303 WEST MAIN STREET IN HENRY YEAGER'S 2ND ADDITION; ALSO PORTIONS OF ROADWAYS WITHIN THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 13, TOWN 5 NORTH, RANGE 6 EAST, ALL BEING IN THE CITY OF NAPOLEON, HENRY COUNTY, OHIO

WHEREAS, an application for a public hearing was filed by The Napoleon Area City School District requesting the City vacate an alley and roadway located in the South and East parking lots of the Napoleon Middle School property at 303 West Main Street which is located in Henry Yeager's 2nd Addition, along with portions of the roadway within the Southwest Quarter of Fractional Section 13, Town 5 North, Range 6 East, all being in 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 held a Public Hearing (PC-15-04) on December 8, 2015 at 5:00p.m., after being duly published, and there was no opposition; and,

WHEREAS, the Planning Commission passed Resolution No. PC-15-04 recommending that said property be vacated by Napoleon City Council; Now Therefore,

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

Section 1. That, this Council finds there has been compliance with all applicable provisions of Chapter 909 of the Codified Ordinances of the City of Napoleon, Ohio, and Chapter 723 of the Ohio Revised Code, in regard to vacation of a certain alley and roadway as more particularly described in Section 2 of this Ordinance, including but not limited to the notice requirement.

Section 2. That, this Council finds there exists a petition signed by an authorized person on behalf of The Napoleon Area City School District owning lots 10 thru 17 in Henry Yeager's 2nd Addition and also portions of the Southwest quarter of Fractional Section 13, Town 5 North, Range 6 East all being in 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 and roadway vacation as prayed for, that such vacation of the alley and roadway will not be detrimental to the general interests of the public.

Section 4. That, the City Engineer is hereby instructed to present the vacation plat of said vacated alley and roadway 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 roadway 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.

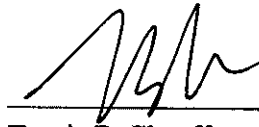
Section 6. That, the directives as stated in Sections 4 & 5 shall only be completed after payment of all costs to the City owed by the petitioner as established in Chapter 909 of the Codified Ordinances of the City of Napoleon, Ohio, including, but not limited to a non-refundable petition processing fee of \$25.00, plus publication costs, to be paid at the time the petition is filed. If actual publication costs cannot be determined, then an estimated cost as determined by the City shall be paid by the petitioner.

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.

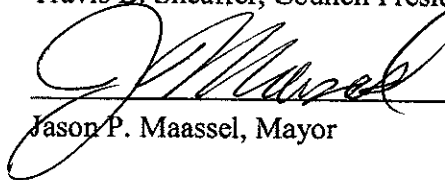
Section 9. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: January 18, 2016



Travis B. Sheaffer, Council President

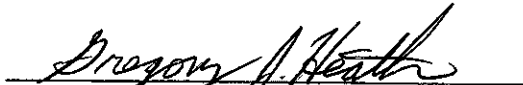
Approved: January 18, 2016



Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:


Gregory J. Heath, Clerk/Finance Director

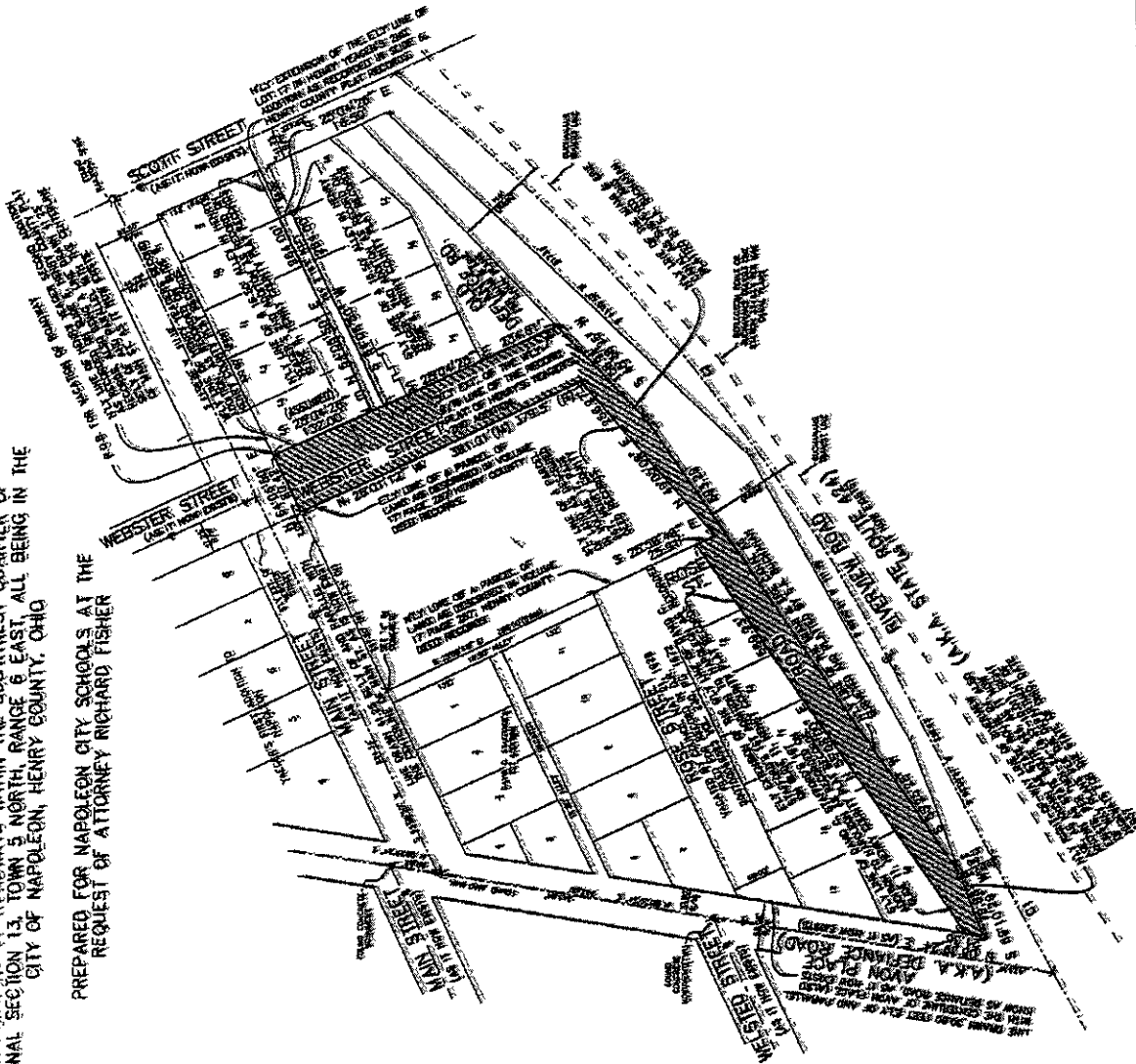
I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 073-15 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 28th day of January, 2016; & I further certify the compliance with rules established 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

VACATION PLAT

A PORTION OF THE ALLEY LOCATED WITHIN HENRY YEAGER'S 2ND ADDITION, ALSO PORTIONS OF ROADWAYS WITHIN THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 13, TOWN 5 NORTH, RANGE 6 EAST, ALL BEING IN THE CITY OF NAPOLEON, HENRY COUNTY, OHIO.

PREPARED FOR NAPOLEON CITY SCHOOLS AT THE REQUEST OF ATTORNEY RICHARD FISHER



LEGEND

- SET CAPPED IRON REBAR (STAMPED R.S. 6812)
- SET IRON NAIL
- × SET 3/4" CUT
- △ FOUND BY MAIL PREVIOUS SURVEY
- FOUND MONUMENT BOX PREVIOUS SURVEY
- ▤ FOUND RAILROAD SPUR
- FOUND IRON PIN
- FOUND IRON PIPE
- OFFICIAL RECORD
- MEASURED DISTANCE
- ▨ PROPOSED ROADWAY VACATION AREA
- ▩ CONTAINS 50.00 FT. OR LESS AC±
- ▩ PROPOSED ALLEY VACATION AREA
- ▩ CONTAINS 4,500 SQ. FT. OR LESS AC±
- ▩ TOTAL VACATION AREA CONTAINS 61,688 SQ. FT. OR 1.416 AC±



PLANNING COMMISSION CERTIFICATE

UNDER THE AUTHORITY PROVIDED BY OHIO REV. CHAPTER 711 AND CHAPTER 713 OF THE REVENUE CODE, AND WHEREAS THE PLAT IS HEREBY APPROVED BY THE PLANNING COMMISSION OF THE CITY OF NAPOLEON:

DATE: _____ CHAIRMAN _____
CLERK OF COUNCIL: _____

CITY COUNCIL CERTIFICATE

UNDER THE AUTHORITY PROVIDED BY OHIO REV. CHAPTER 711 AND CHAPTER 713 OF THE REVENUE CODE, AND WHEREAS THE PLAT IS HEREBY APPROVED BY THE CITY COUNCIL OF THE CITY OF NAPOLEON:

DATE: _____ MAYOR _____
ATTEST: CLERK OF COUNCIL _____

COUNTY AUDITOR CERTIFICATE

TRANSFERRED: _____ 2015
HENRY COUNTY AUDITOR

COUNTY RECORDER'S CERTIFICATE

FILED FOR RECORD: _____ 2015 AT _____
RECORDED ON: _____ 2015 ON _____ SLIDE _____
FEE: _____ HENRY COUNTY RECORDER

Garcia Surveyors, Inc.
 P.O. Box 2628 Whitehouse, OH 43571
 Phone: (419) 877-4490
 Fax: (419) 877-1140
 Mobile: (419) 280-8818
 E-Mail: agarcia@garciasurveyors.com
 154-0205970001



I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS THE RESULT OF A TRUE AND ACCURATE SURVEY BY ME OR PERSONS UNDER MY SUPERVISION DURING 2015.

CURVE	BEARINGS	ARC LENGTH	TANGENT LENGTH	CHORD BEARINGS	DELTA ANGLE
1	125° 03' 00"	153.31'	153.31'	N 41° 00' 00" E	90° 00' 00"
2	125° 03' 00"	153.31'	153.31'	N 41° 00' 00" E	90° 00' 00"