

ORDINANCE NO. 024-16

AN ORDINANCE VACATING A PORTION OF A CERTAIN STREET LOCATED SOUTH OF THE SOUTHERLY RIGHT-OF-WAY OF FRONT STREET AND ADJACENT TO THE WESTERLY LINE OF LOT 137 OF PHILLIPS & STAFFORDS THIRD ADDITION, AND ALSO BEING 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 GM Carnahan, LLC, owners of 207 W. Front Street and Lot 137 of Phillips & Staffords Third Addition in the City of Napoleon and requesting the City vacate the street between the two properties 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-16-02) on May 25, 2016 at 5:00p.m., after being duly published, and there was no opposition; and,

WHEREAS, the Planning Commission passed Resolution No. PC-16-02 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 the vacation of a certain street 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 GM Carnahan, LLC owner of both sides of an area described as being the entire portion of existing Scott Street right-of-way which is 66.00 feet wide and located South of the southerly right-of-way of W. Front Street and adjacent to the westerly line of Lot 137 of Phillips & Staffords Third Addition, and also being roadways within the Southwest Quarter of Fractional Section 13, Town 5 North, Range 6 East 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 finds there is good cause for such street vacation as stated herein; that such vacation of the street will not be detrimental to the public's general interest; that there is good cause for such street vacation as requested for; that such vacation shall be made subject to the City reserving an easement therein on the entire vacated property for the maintenance of the existing utilities, and for the purpose of accessing the property pursuant to Section 723.041 of the Ohio Revised Code; and that all vacated property is required to revert to Lot 137 of Phillips & Staffords Third Addition.

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

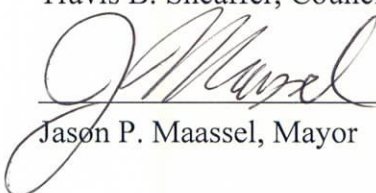
Section 8. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining 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: 7-5-16


Travis B. Sheaffer, Council President

Approved: 7-5-16


Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:



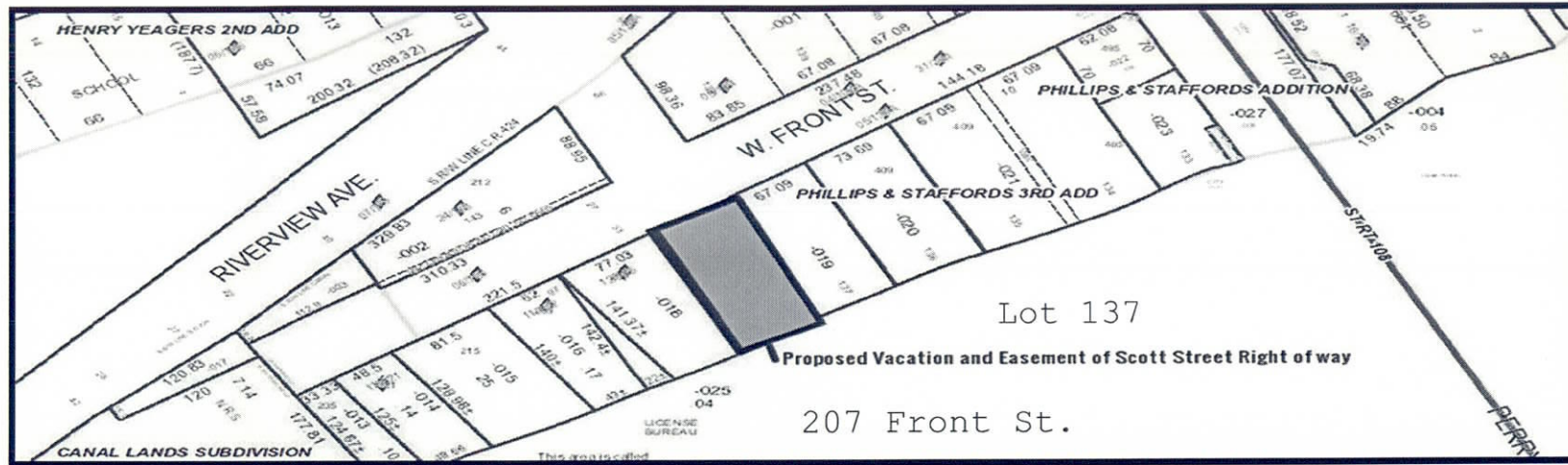
Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 024-16 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 20th day of July, 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

Legal Description For Vacation of Scott Street Right of way

Being the entire portion of existing Scott Street Right-of-way which is 66.00 feet wide and located South of the southerly Right-of-way line of Front Street and adjacent to the westerly line of Lot 137 of Phillips & Staffords Third Addition and also being roadways within the southwest Quarter of Fractional Section 13, Town 5, Range 6 East, all being within the City of Napoleon, Henry County, Ohio. Said parcel contains 9570 square feet, more or less. The City of Napoleon shall maintain a utility easement to maintenance existing sewers only.



Planning Commission Certificate

Under authority provided by Ohio Revised Code Chapter 711 and Chapter 1105 Of the Napoleon Codified Ordinances, the plat is hereby approved by the Planning Commission of the City of Napoleon.

Date Chairman

Clerk of Council

County Auditors Certificate

I, The Henry County Auditor, do hereby certify that there are no unpaid taxes on the property herein described and certify the same for transfer.

Transferred this _____ day of _____, 2016.

Henry County Auditor

City Council Certificate

Under authority provided by Ohio Revised Code Chapter 711 and Chapter 1105 Of the Napoleon Codified Ordinances, the plat is hereby approved by the City Council of the City of Napoleon.

Date Chairman


Clerk of Council

Exhibit "A"

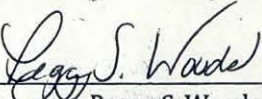
PROOF OF PUBLICATION

State of Ohio, Henry County, ss.

Christopher Cullis, being dully sworn,
Deposes and says that he is the Publisher
of the Northwest Signal, a daily newspaper
published in Napoleon, in said Henry County,
Ohio, and of general circulation herein; that
the annexed advertisement and notice was
printed and published in said newspaper for
1 days/weeks, the first insertion being
on the 20th day of July 2016 and
for 0 consecutive days/weeks thereafter.

X 
Christopher Cullis

Subscribed to in my presence and sworn before
me this 21 day of July 2016.

X 
Peggy S. Woods, Notary Public
My Commission expires: September 4, 2016

Notary Fees.....\$1.50
Printer's Fees.....\$280.80

SUMMARY OF ORDINANCE NO(S). 019-16, 020-16, 022-16, 024-16

RESOLUTION NO(S). 017-16, 021-16, 023-16

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER; CHAPTER 121 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON, OHIO; CITY COUNCIL RULE 6.5; AND APPLICABLE PROVISIONS OF O.R.C. CHAPTER 731)

NOTICE

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

Ordinance No. 019-16

AN ORDINANCE TO APPROVE CURRENT APRIL, 2016 REPLACEMENT PAGES TO THE NAPOLEON CODIFIED ORDINANCES

In this legislation, the City of Napoleon approved replacement pages to the Napoleon Codified Ordinances through April, 2016.

Ordinance No. 020-16

AN ORDINANCE AMENDING THE CITY OF NAPOLEON, OHIO ENGINEERING DEPARTMENT RULES AND REGULATIONS, TO WIT: RULE 4.1.3; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized an amendment to the Engineering Department Rules and Regulations, Rule 4.1.3. A complete copy of said Rules can be obtained from the City as stated in the above Notice.

Ordinance No. 022-16

AN ORDINANCE PROVIDING FOR AN ELECTION ON THE QUESTION OF AN AMENDMENT TO THE CITY OF NAPOLEON, OHIO CHARTER ARTICLE II (COUNCIL), ARTICLE V (BOARDS AND COMMISSIONS), AND IX (INITIATIVE, REFERENDUM AND RECALL); AND DIRECTING THE BOARD OF ELECTIONS OF HENRY COUNTY, OHIO TO CONDUCT SUCH ELECTION ON THE NOVEMBER 8, 2016 BALLOT

In this legislation, the City of Napoleon authorized three separate proposed amendments to the City Charter to be placed on the November 8, 2016 General Election ballot. A complete copy of the three proposed changes to the City Charter can be obtained from the City as stated in the above Notice.

Ordinance No. 024-16

AN ORDINANCE VACATING A PORTION OF A CERTAIN ALLEY AND ROADWAY LOCATED SOUTH OF THE SOUTHERLY RIGHT-OF-WAY OF FRONT STREET AND ADJACENT TO THE WESTERLY LINE OF LOT 137 OF PHILLIPS & STAFFORDS THIRD ADDITION, AND ALSO BEING ROADWAYS WITHIN THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 13, TOWN 5, RANGE 6 EAST OF NAPOLEON, HENRY COUNTY, OHIO, AS SHOWN ON EXHIBIT "A"

In this legislation, the City of Napoleon vacated an alley and roadway at the request of the property owner.

Resolution No. 017-16

A RESOLUTION ADOPTING THE 2017 TAX BUDGET FOR THE CITY OF NAPOLEON, OHIO, AS REQUIRED IN SECTION 5705.28 OF THE ORC AND DIRECTING THE FINANCE DIRECTOR TO FILE THE SAME WITH THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon adopted the 2017 Tax Budget.

Resolution No. 021-16

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO BUREAU OF WORKERS' COMPENSATION (BWC FORM U-69) TO PROVIDE WORKERS' COMPENSATION COVERAGE FOR CITY VOLUNTEERS; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the City Manager to enter into a contract with the Ohio Bureau of Workers' Compensation to provide workers' compensation coverage for City volunteers.

Resolution No. 023-16

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF \$25,000.00 FOR A PROJECT KNOWN AS 2016 MANHOLE LINING PROJECT; AUTHORIZING COMPETITIVE BIDDING IN REGARD THERETO; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the expenditure of funds over \$25,000.00 for a 2016 manhole lining project, as well as authorization for competitive bidding for the project.

ALL OF THE ABOVE SUMMARIES ARE APPROVED AS TO FORM AND CORRECTNESS BY LISA L. NAGEL, CITY LAW DIRECTOR