

RECORD OF ORDINANCES

Ordinance No. 3776

Passed: August 27, 2024

AN ORDINANCE VACATING A PORTION OF EAST MAIN STREET EAST OF CEDAR STREET, A PUBLIC STREET COMPRISING 0.266 ACRES.

WHEREAS, a petition was filed on July 1, 2024, by the West Carrollton City Schools requesting the vacation the vacation of approximately 175 feet of East Main Street, a public street, comprising 0.266 acres east of Cedar Street; and

WHEREAS, the petition request was reviewed by the West Carrollton Planning Commission at a public hearing held on August 1, 2024, at which time all people who wished to testify gave their comments; and

WHEREAS, the Planning Commission adopted Resolution SV-24-1 with conditions, recommending approval of the right-of-way vacation to City Council; and

WHEREAS, City Council believes that this right-of-way vacation will not be detrimental to the public interest; and

WHEREAS, this petition has been filed and reviewed pursuant to and in accordance with Chapter 723 of the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WEST CARROLLTON, COUNTY OF MONTGOMERY, STATE OF OHIO:

SECTION I. That Central Lane between Stadium Avenue and Cedar Street, which are more particularly described in the right-of-way vacation map "Vacation Plat of a Portion of Main Street and East Central Avenue" stamp dated received July 1, 2024, and attached hereto, be and is hereby vacated as provided therein, subject to the following conditions:

1. The applicant shall submit, receive approval of, and record a lot consolidation application to combine the vacated area of East Main Street with the abutting West Carrollton Board of Education parcel, prior to issuance of a final certificate of occupancy for the grades 2-4 building project.
2. Since there is no other adjacent property owner except for the applicant, the entire area to be vacated shall accrue to the applicant.
3. Easements shall be shown on the plat and noted as to purpose for all utilities within the vacated area, and language shall be added to the plat stating "*Easements shown on this plat are for the construction, operation, maintenance, repair, replacement, or removal of water, gas, sewer, electric, telephone or other utilities or services, and for the express privilege of removing any and all trees or other obstructions to the free use of said utilities and for providing of ingress and egress to the property for said purposes, and are to be maintained as such forever.*"

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SECTION II. That the Clerk of Council is hereby directed to certify a copy of this ordinance to the Recorder and Auditor of Montgomery County, Ohio, so that this vacation provided herein may become part of the official public records of said county.

SECTION III. That this Ordinance shall take effect from and after the earliest period allowed by law.

Passed: August 27, 2024

Richard P. Babut
Mayor

Attest: Gray Moore
Clerk of Council

Effective Date: September 27, 2024

CERTIFICATE

The undersigned, Clerk of Council of the City of West Carrollton, Ohio, hereby certifies the foregoing is a true and correct copy of Ordinance 3776, passed by said Council on the 27 day of August, 2024.

Gray Moore
Clerk of Council

Dated: August 27, 2024

[illegible]

Name: 612688.702Z Emt: 1475731.675Z
 Segment #1 : Line
 Zuair: 157 157 15V Length: 60.0"
 Name: 612688.701Z Emt: 1475689.600Z
 Segment #2 : Line
 Zuair: 167 157 25V Length: 175.5"
 Name: 61301.366Z Emt: 1476553.300Z
 Segment #3 : Line
 Zuair: 539 54 15V Length: 65.0"
 Name: 612973.616Z Emt: 1475885.200Z
 Segment #4 : Line
 Zuair: 581 157 25V Length: 175.4"
 Name: 612688.701Z Emt: 1475731.675Z
 Parameter: 483.65 Area: 2.268 Acres
 Emt Code: 0000 Cont: 0000
 Est: 0000 0.0000 Emt: 0.0000
 Precision: 1: 120765.00



1. SOURCE DOCUMENTS AS NOTED.
2. OCCUPATION AS SHOWN.
3. MOVEMENTATION IS IN GOOD CONDITION UNLESS OTHERWISE NOTED.
4. DISTANCE UNITS ARE BASED ON THE U.S. SURVEY FOOT. DEFINITION (" = 1200/5280 FEET, OR APPROXIMATELY 1 + 0.30480061 METERS
5. BEARINGS ARE BASED ON OHIO STATE PLANE COORDINATE SYSTEMS, SOUTH ZONE. (NAD 83 - 2011), AS PER P.B. 237 PG. 27

DATE _____

David L Cox
09:35:01-04:26

Digitally signed by
David L Cox
DN: cn=Dave Cox, o=US, ou=US, email=dc@us.ibm.com, c=US

David L Cox

DAVID L COX
OHIO PROFESSIONAL SURVEYOR NO. 7101

WEST
CARROLLTON
2-4 SCHOOL

1 OF 1