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JAN 18 1991

ORDINANCE NO. 103-90

VACATING THE SIXTEEN FOOT ALLEY THAT LIES ADJACENT TO AND PARALLEL WITH THE NORTHERLY LINE OF LOTS 225 THROUGH 229 OF "BERNHARDS SECOND ADDITION", RUNNING BETWEEN PIERCE AVENUE AND WESTPHAL AVENUE, UPON PETITION OF THE ABUTTING PROPERTY OWNERS.

WHEREAS, the City has an alley right-of-way that runs between Pierce Avenue and Westphal Avenue immediately north of East Mound Street; and

WHEREAS, this alley right-of-way has been used as the private driveways of the abutting property owners for over twenty years; and

WHEREAS, the City of Whitehall has not improved this alley right-of-way for public vehicular traffic; and

WHEREAS, the four abutting property owners have filed a petition with the City requesting that this alley right-of-way be vacated to the abutting property owners; NOW, THEREFORE,

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

SECTION 1: This Council finds that petitions signed by the owners of all the property abutting upon the sixteen foot alley that lies northerly from, adjacent to and parallel with the northerly line of Lots 225 through 229, inclusive, of "BERNHARDS SECOND ADDITION", as the plat of same is of record in Plat Book 18, page 5, Recorder's Office, Franklin County, Ohio, said alley extends from the easterly right-of-way line of Pierce Avenue (50 feet in width) to the westerly right-of-way line of Westphal Avenue (50 feet in width), has been presented to this Council, praying that said alley between the points named be vacated.

SECTION 2: Council further finds that there is good cause for such vacation of said alley as prayed for, that such vacation of alley will not be detrimental to the general interests and ought to be made.

SECTION 3: That the above sixteen foot alley right-of-way be and the same is hereby vacated on the condition that the owners of property abutting thereupon shall convey to the City of Whitehall at such times requested in the future by the City of Whitehall, easements for the construction, maintenance and operation of various public utilities, publicly owned and otherwise.

SECTION 4: The City Engineer is hereby instructed to prepare vacation plats of said vacated alley and the Clerk of Council is instructed to endorse upon such plat, the action of this Council in vacating such portions of alley and to cause said plat to be recorded in the office of the Recorder of Franklin County, Ohio.

N-154  
16' ALLEY  
VAC  
ADJACENT  
TO  
335  
447  
446  
441  
1/18/91 JC

**SECTION 5:** The Clerk of Council is directed to notify the Auditor of Franklin County of the vacation, by sending him a copy of this Ordinance.

**SECTION 6:** That this Ordinance shall go into full force and effect at the earliest period allowed by law.

PASSED this 15<sup>th</sup> day of January, 1990.

Philip J. Allen  
President of Council

ATTEST:

Carol J. Churchman  
Clerk of Council

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

\_\_\_\_\_  
Mayor

Requested by: Councilman Rodney Sparks

Prepared by: Ted Zwayer  
City Attorney

"I hereby certify the foregoing to be a true and exact copy of ORD. No. 103-70 as passed by the Council of the City of Whitehall, Ohio at its meeting held January 15, 1991  
Approved by the Mayor as \_\_\_\_\_

Carol J. Churchman  
Clerk of Council of the City of Whitehall, Ohio