

N-148-D

ORDINANCE NO. 91-68

(Revised 6/7/68)
9/17/68

VACATING THE FIRST ALLEY SOUTH OF MC ALLISTER AVENUE BETWEEN ERICKSON AVENUE AND PIERCE AVENUE; RESERVING EASEMENT FOR PUBLIC UTILITIES AND DECLARING AN EMERGENCY

WHEREAS, by the provisions of R. C. Section 723.04, Council, upon petition and after hearing, may vacate a street or alley; and

WHEREAS, Council has received petition signed by owners of lots in the immediate vicinity of the first alley south of McAllister Avenue between Erickson Avenue and Pierce Avenue (running east and west); and

WHEREAS, Council is satisfied there is good cause for this vacation; NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: That Council finds that a petition signed by the owners of all the property abutting upon the first alley south of McAllister Avenue between Erickson Avenue and Pierce Avenue has been presented to this Council praying that said alley between the points named be vacated.

SECTION 2: That Council further finds that there is good cause for such vacation of said alley as prayed for, that such vacation will not be detrimental to the general interest and ought to be vacated and abandoned inasmuch as it has never been opened for public travel and is of no use to the public, reserving to the City of Whitehall an easement/over/said property for the servicing and installation of public utilities in, and through

SECTION 3: That the first alley south of McAllister Avenue (running east and west) between Erickson Avenue and Pierce Avenue be and the same is hereby vacated.

SECTION 4: That such vacated alley shall be subject to the same zoning restrictions as the adjacent area.

SECTION 5: That the City Engineer is hereby instructed to prepare vacation plats for said vacated alley and the Clerk of this Council is hereby instructed to endorse upon such plat the acts of this Council in vacating such portion of this alley and to cause said plats to be recorded in the office of the Recorder, Franklin County, Ohio, and also to send a copy to the Auditor of Franklin County, Ohio.

SECTION 6: That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare and for the reasons mentioned in the preamble; wherefore, this ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this 17th day of September, 1968.

s/ Walter J. Siemer
President of Council

ATTEST:

s/ Darrell M. Todd
Temporary Clerk of Council

OK
Oct 1968

APPROVED this 23rd day of September, 1968.

s/ Paul J. Haytcher
Mayor

Requested by: Planning Commission

Prepared by: James M. Toomey
City Attorney

"I hereby certify the foregoing to be a true and exact copy of Ord 91-68 (Rev) as passed by the Council of the City of Whitehall, Ohio at its meeting held Sept 17, 1968

Approved by the Mayor on Sept 23, 1968

James V. Phillips
Clerk of Council of the City of Whitehall, Ohio