

CITY OF VANDALIA
MONTGOMERY COUNTY, OHIO

RESOLUTION 15-R-46

A RESOLUTION AUTHORIZING THE DEDICATION OF AN EASEMENT AREA FOR OPEN SPACE TO PROHIBIT THE ERECTION OF ANY BUILDING OR VERTICAL STRUCTURE WITHIN AN AREA LOCATED ON A PORTION OF LOT 2 OF STONEQUARRY CROSSINGS, SECTION TWO

WHEREAS, The City has been asked to dedicate an easement on a portion of Lot 2 of Stonequarry Crossings Section 2 of the City of Vandalia, being the land housing City Fires Station #1; and

WHEREAS, Superior Abrasives LLC owns the property to the north being, Lot 14 of Stonequarry Crossings Section 9; and

WHEREAS, Superior plans to construct a building on the Superior Parcel that is designed as an "Unlimited Area" building which per the Ohio Building Code which requires a minimum of 60 feet open perimeter surrounding the building (the "Structure")

WHEREAS, the south side of the Structure will be approximately 52 feet to the property line; and

WHEREAS, Ohio law allows unoccupied space on an adjacent property to be included in the open perimeter if it is deeded or dedicated to preclude for the life of the structure the erection of any building or vertical structure on that space; and

WHEREAS, City Council is willing to dedicate a non exclusive non possessory easement in and to the property described in Exhibit A (the Easement Area) for the purpose of providing the minimum of 60 feet open perimeter surrounding the building the Structure for the life of the Structure; and

WHEREAS, City Council finds that the Easement Area is within the City setback area and as such limiting the erection of any building or vertical structure on that space will not harm the City; and

WHEREAS, City Council finds that the granting of the Easement will be in the best interest of the City and further development and jobs within the City;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO THAT:

Section 1. The City Manager is authorized to negotiate and enter into the Easement for Open Space on Lot 2 of Stonequarry Crossings, Section 2 substantially in the form attached hereto as Exhibit A.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution shall take full force and effect from and after the earliest period allowed by law.

Passed this 18th day of May, 2015.

APPROVED:

Arlene J. Setzer, Mayor

ATTEST:

Jon Crusey, Clerk of Council