

CITY OF VANDALIA

MONTGOMERY COUNTY, OHIO

ORDINANCE NO. 11-16

**AN ORDINANCE VACATING UNNECESSARY RIGHT OF WAY AND
DIRECTING THE CITY ENGINEER TO NOTIFY THE COUNTY OF SUCH
VACATION**

WHEREAS, the City is the owner of .2076 acres of right of way on west side of Poe Avenue, that abuts the land owned by Poe Avenue Associates located at 7295 Poe Avenue (the "Right of Way"); and

WHEREAS, Poe Avenue Associates, the owner of the property abutting the Right of Way have consented in writing to the vacation; and

WHEREAS, the .2076 acre Right of Way would not constitute a buildable lot; and

WHEREAS, the City has determined that there is good cause to vacate the Right of Way; that the Right of Way is no longer needed for public purposes; and that vacation of the Right of Way will not be detrimental to the general interest.

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

Section 1. The .2076 acre Right of Way located on the west side of Poe Avenue, that abuts the land owned by Poe Avenue Associates located at 7295 Poe Avenue which Right of Way is more particular described on the attached Exhibit A which is incorporated herein by this reference, is hereby vacated by the City of Vandalia, subject to all existing utility easements, and shall become the property of Poe Avenue Associates being the sole owner of the land abutting said Right of Way. Any public utility existing within the Right of Way shall be deemed to have a permanent easement in such vacated Right of Way for the purpose of maintaining, operating, renewing, reconstructing, extending, and removing said utility facilities and for purposes of access to its facilities.

Section 2. Upon the institution of the proceedings to vacate, the City Engineer is authorized to prepare a map showing the public way that is to be vacated, as well as all intersecting or connective public ways as may be required by the County for notice and filing with the office of the county auditor and the county recorder.

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

Passed this 6th day of September, 2011.

APPROVED:

William M. Loy, Mayor

ATTEST:

Robert L. Anderson
Clerk of Council