

**AN ORDINANCE TO VACATE A SECTION OF RIGHT OF WAY KNOWN AS AN UNNAMED ALLEY SOUTH WEST OF PRESTON STREET**

WHEREAS, a one hundred and thirty two (132) foot long portion of an unnamed alley, a dedicated alley of record in survey file K-826, of the Knox County Recorder's Office, exists off North Preston Street, across from Walnut Alley, and within the Village of Centerburg, Ohio; and

WHEREAS, the aforementioned section of the unnamed alley has never been used by the public as an alley nor is it planned to be used as a public alley; and

WHEREAS, the aforementioned section of alley to be vacated is abutted by parcel no. 18-00523.000 (owned by Gregory A and Linda M. Sands) and parcel no. 18-00526.000 (owned by Colby S. and Angela L. Clippinger); and

WHEREAS, the aforementioned section of alley and the right of way itself terminates at a boundary line of Parcel 18-00524.000 (owned by Wilbur Andrew Buxton and Rodney C. Buxton, Co-Trustees), but said parcel already has significant frontage and currently uses all vehicular and pedestrian access to the public right of way known as West Houck Street; and

WHEREAS, pursuant to Revised Code Section 723.06, the current property owners of said parcels have agreed to waive notice of the Village's intent to vacate the alley as attached hereto in Exhibit "B"; and

WHEREAS, Council finds there is good cause for vacating the aforementioned section of dedicated public right of way and alley, and that such vacation will not be detrimental to the general interests of the citizens of the Village;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CENTERBURG, OHIO:

Section 1. That for good cause shown, and because such will not be detrimental to the general interests of the citizens, a one hundred and thirty two (132) foot long portion of an unnamed alley, a dedicated alley of record in survey file K-826, of the Knox County Recorder's Office, existing off North Preston Street within the Village of Centerburg, Ohio, as more fully described in Exhibit "A" attached hereto, is hereby vacated.

Section 2. The property described in Exhibit "A" attached hereto shall be equitably divided among, and title shall transfer to the owners of parcel no. 18-00523.000 (owned by Gregory A and Linda M. Sands) and parcel no. 18-00526.000 (owned by Colby S. and Angela L. Clippinger).

Section 3. The right of access (if any) to the unnamed alley from Parcel 18-00524.000 (owned by Wilbur Andrew Buxton and Rodney C. Buxton, Co-Trustees) is hereby terminated and shall be forever barred, without compensation to the owners of said parcel.

Section 4. That Council hereby directs that a certified copy of this Ordinance, along with the legal description (Exhibit "A") and Village Engineer's approval thereof, and the Waivers of Notice

(Exhibit "B"), shall be approved by the Knox County Engineer and the Knox County Auditor, and thereafter recorded in the official records of the Knox County Recorder.

Section 5. That the Clerk-Treasurer be and is hereby directed to charge, assess, and if unpaid, levy, the Village Engineer's fee for review and approval of the property descriptions, along with any and all fees necessary for the approval and recording of this Ordinance and its attachments, in an equitable fashion upon the aforementioned property owners.

WHEREFORE, this Ordinance shall take effect and be in force upon the earliest date allowed by law.

DATE PASSED 7-5-16

SIGNATURE ON FILE

PRESIDENT OF COUNCIL

ATTEST SIGNATURE ON FILE  
CLERK OF COUNCIL

SIGNATURE ON FILE

MAYOR

APPROVED AS TO FORM  
SIGNATURE ON FILE

DATE APPROVED: 7/5/16

LEGAL COUNSEL Lyle J. Sweeney

I hereby certify that the ordinance or a summary of the ordinance was published once a week for two consecutive weeks on July 12, 2016 and July 19, 2016 in the *Mount Vernon News* in conformance with the Ohio Revised Code.

SIGNATURE ON FILE

CLERK-TREASURER

**EXHIBIT "A"**

**Situated in the County of Knox, Village of Centerburg, and State of Ohio:**

**Being a portion of an unnamed alley in the Village of Centerburg, lying North of and Adjacent to a .200 Acre Tract surveyed in April 1990 by Sam Vance (survey file K-826). Said portion of Unnamed Alley being Sixteen Feet (16') wide North and South, and One Hundred Thirty Two Feet (132') long East and West.**