

**CITY OF XENIA, OHIO
ORDINANCE 2019 – 23**

**VACATING A SECTION OF A SIX-FOOT-WIDE PUBLIC ALLEY RIGHT-OF-WAY
PARALLEL TO STELTON ROAD AND ABUTTING LOTS 1, 2, AND 3 OF THE MILLER
ADDITION SUBDIVISION AND LOT 1A OF THE SOLS ADDITION REPLAT**

WHEREAS, a Petition to vacate the section of the alley right-of-way that abuts Lots 1, 2, and 3 of the Miller Addition Subdivision (217 and 229 Stelton Road) and Lot 1A of the Sols Addition Replat, has been filed with the City of Xenia, Ohio, in accordance with Ohio Revised Code Section 723.04;

WHEREAS, a Notice of Intent to Vacate, including notification of a November 26, 2019, public hearing, was published for six consecutive weeks in the Xenia Gazette and Fairborn Daily Herald, as required by Ohio Revised Code Section 723.07; and

WHEREAS, this Council is satisfied that there is good cause for such vacation and that the vacation will not be detrimental to the general interest of the City of Xenia or its citizens.

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, at least four (4) members of the City Council concurring, that:

Section 1. This Council finds that the Petition to vacate a section of the alley right-of-way that abuts Lots 1, 2, and 3 of the Miller Addition Subdivision (P.B. 31, pg. 242B) and Lot 1A of the Sols Addition Replat (P.B. 36, pg. 293A), filed by Rick Hilliard, as owner of 229 Stelton Road (Lots 1 and 2 of the Miller Addition Subdivision), has been properly presented to this Council.

Section 2. This Council further finds that there is good cause for such vacation and that such vacation will not be detrimental to the general interests of the City of Xenia or its citizens and ought to be made.

Section 3. It is hereby declared that the alley right-of-way between Lots 1, 2, and 3, as the same is known and designated on the recorded Miller Addition Subdivision, and Lot 1A, as the same is known and designated on the recorded Sols Addition Replat, containing 0.021 acres, or more less, all as shown on the attached Vacation Plat submitted with the Petition, is vacated.

Section 4. In accordance with Ohio Revised Code Section 723.08, the abutting property owners are each hereby vested with a fee simple interest in half of the width of the 0.021 acres, more or less, that formerly comprised the alley right-of-way, to the extent that such right-of-way abuts each respective property, subject to all existing legal easements of record.

Section 5. The City Clerk and the City Planner are hereby instructed to undertake any necessary endorsements upon the Vacation Plat that are needed to show the action of this Council in vacating the above-referenced portion of June Drive, and to cause a certified copy of this Ordinance and the Vacation Plat to be recorded in the office of the Recorder of Greene County, Ohio. The City Clerk is further directed to notify the Auditor of Greene County of the vacation by sending him a copy of this Ordinance.

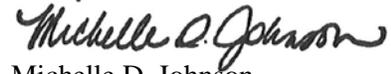
Section 6. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7. This Ordinance shall become effective on January 11, 2020.

Introduced: November 26, 2019

Adopted: December 12, 2019

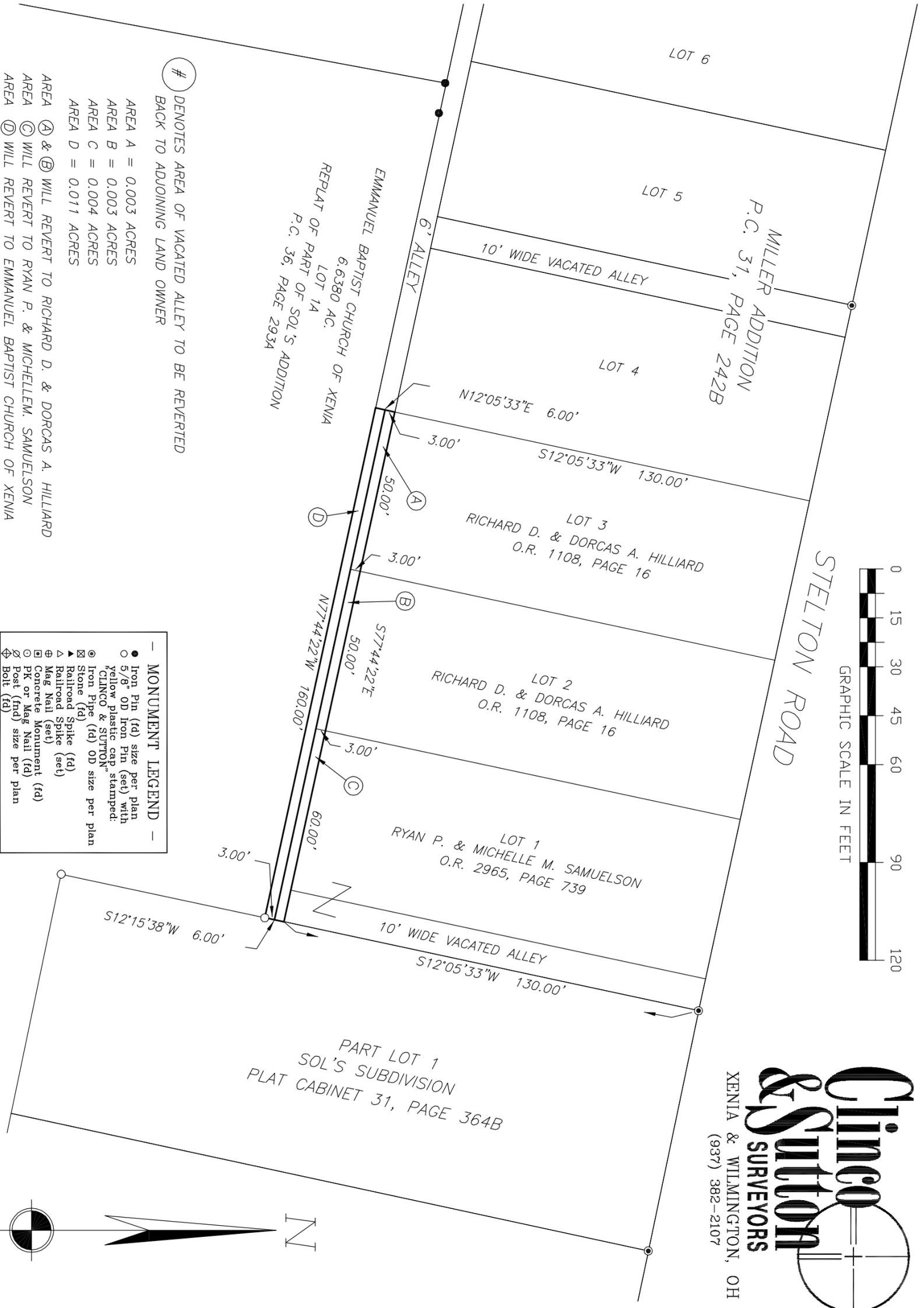
Attest:



Michelle D. Johnson
City Clerk



Michael D. Engle
President, Xenia City Council



Clinco & Sutton
SURVEYORS
 XENIA & WILMINGTON, OH
 (937) 382-2107



DENOTES AREA OF VACATED ALLEY TO BE REVERTED BACK TO ADJOINING LAND OWNER

AREA A = 0.003 ACRES
 AREA B = 0.003 ACRES
 AREA C = 0.004 ACRES
 AREA D = 0.011 ACRES

AREA A & B WILL REVERT TO RICHARD D. & DORCAS A. HILLIARD
 AREA C WILL REVERT TO RYAN P. & MICHELLE M. SAMUELSON
 AREA D WILL REVERT TO EMMANUEL BAPTIST CHURCH OF XENIA

SURVEYED BY: _____
 Reg. Surveyor No. 7124

APPROVED
 Greene County Engineer
 By _____ Date _____

ZONING _____
 APPROVED BY: _____

RPC DATE



JOB NO. 2019/19459/ALLEY VACATION

GRANTOR PORTION OF A 6' WIDE ALLEY VACATION
 GRANTEE _____
 LOCATION:
 Section _____, Town _____, Range _____
 or Survey No. _____
 _____ TOWNSHIP,
 GREENE COUNTY, OHIO
 DATE _____