

**CITY OF XENIA, OHIO
ORDINANCE 2020 – 02**

**VACATING A FIVE-FOOT SECTION OF A THIRTY-FOOT DRAINAGE EASEMENT
ON LOT 222 IN THE ARROWHEAD ACRES SUBDIVISION, SECTION SIX PLAT,
WITHIN THE CORPORATE LIMITS OF THE CITY OF XENIA, OHIO**

WHEREAS, a Petition to vacate a five-foot (5') section of a thirty-foot (30') drainage easement that is within the Arrowhead Acres Subdivision, Section Six Plat, has been filed with the City of Xenia, Ohio, in accordance with Ohio Revised Code Section 723.04;

WHEREAS, written consent to the vacation has been filed with the City by the owner of the property containing the five-foot section of easement to be vacated, in accordance with Ohio Revised Code Section 723.06;

WHEREAS, a public hearing has been held on said Petition, as required by Ohio Revised Code Section 723.04; 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 attached Petition to Vacate a five-foot (5') section of a thirty-foot (30') drainage easement and the attached Written Consent to the Vacation has been filed by Tony J. Rieker, as owner of the property at 1384 Bellbrook Avenue (Lot 222 of the Arrowhead Acres, Section Six Plat, P.C. 32, pp. 379B-380A), that contains the five-foot (5') portion of the thirty-foot (30') drainage easement proposed for vacation, 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 five-foot (5') section of the thirty-foot (30') drainage easement on Lot 222, as the same is known and designated on the recorded Arrowhead Acres, Section Six Plat, containing 0.0143 acres, or more less, all as shown on the attached Vacation Plat submitted with the Petition, is vacated.

Section 4. It is hereby further declared that the five-foot (5') utility easement, as shown on the Vacation Plat prepared by Clinco & Sutton Surveyors, is not a part of this vacation and shall remain as an easement, in accordance with Ohio Revised Code Section 723.041.

Section 5. In accordance with Ohio Revised Code Section 723.08, the property owner, Tony J. Rieker, is hereby vested with a fee simple interest in the 0.0143 acres, more or less, that formerly comprised the five-foot (5') section of the drainage easement and that is herein vacated, subject to all existing legal easements of record, particularly those easement(s) named in Section 4., above, and as shown on the vacation plat.

Section 6. The City Clerk and the City Engineer 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 five-foot (5') section of the thirty-foot (30') drainage easement, 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 7. 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 8. This Ordinance shall become effective on March 14, 2020.

Introduced: January 23, 2020
Adopted: February 13, 2020

Attest:


Michelle D. Johnson
City Clerk

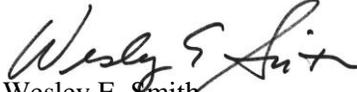
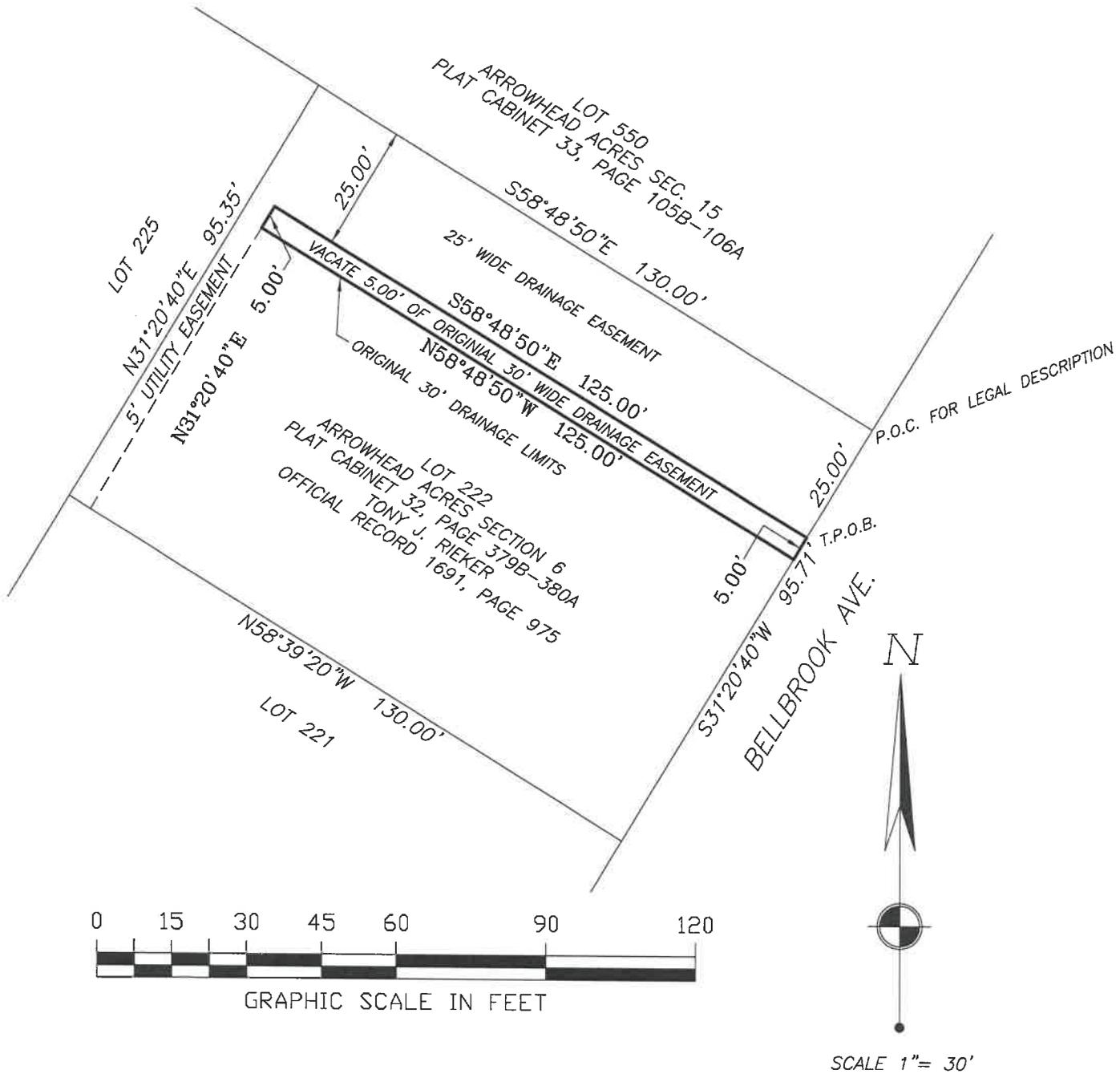

Wesley E. Smith
President, Xenia City Council

EXHIBIT
 VACATION OF A PORTION OF A 30' WIDE
 DRAINAGE EASEMENT RUNNING THRU
 LOT 222 OF ARROWHEAD ACRES SECTION
 FOR
 TONY J. RIEKER
 SEPTEMBER 2019



LOT 222 IS PART OF ARROWHEAD ACRES SECTION 6 AS LOCATED IN VMS 2264, CITY OF XENIA, GREENE COUNTY, OHIO AND IS RECORDED IN PLAT CABINET 32, PAGE 379B-380A OF THE GREENE COUNTY PLAT RECORDS. THE INTENT OF THIS EXHIBIT IS TO ALLOW FOR THE CITY OF XENIA TO VACATE A 5.00' WIDE STRIP OF THE EXISTING 30.00' WIDE DRAINAGE EASEMENT AS SHOWN, THUS LEAVING THE REMAINING DRAINAGE EASEMENT RUNNING THRU SAID LOT 222 TO BE 25.00' WIDE. THIS EXHIBIT SHALL BE REFERENCED ON THE ORIGINAL PLAT AFTER THE CITY OF XENIA EXECUTES THIS 5.00' WIDE DRAINAGE EASEMENT VACATION.

THIS EXHIBIT IS BASED UPON THE PLAT RECORDS FOUND IN THE ORIGINAL ARROWHEAD ACRES SECTION 6, NO FIELD SURVEY HAS BEEN CONDUCTED.

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



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 R. DOUGLAS SUTTON
 OHIO PROFESSIONAL SURVEYOR 7124

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Xenia, Ohio 45385
(937) 376-4609

Description to vacate a 5' wide portion of a 30' wide drainage easement
running thru Lot 222 Arrowhead Acres Section 6
for
Tony J. Rieker
September 13, 2012
Exhibit

Situated in the City of Xenia, Greene County, Ohio Virginia Military Survey Number 2264, and being part of Lot 222 Arrowhead Acres Section 6 (Plat Cabinet 32, Page 379B-380A) as being conveyed by deed to Tony J. Rieker as recorded in Volume 1691, Page 975 of the Greene County Official Records and being more particularly described as follows:

Commencing for reference in the northerly margin of Bellbrook Avenue at the easterly corner of said Lot 222 and also being a corner to Lot 550 of Arrowhead Acres Section 15 (Plat Cabinet 33, Page 105B-106A);

thence with the northerly margin of Bellbrook Avenue and the easterly line of said Lot 222 S 31°20'40" W 25.00' to the True Point of the Beginning for this drainage easement vacation;

thence continuing with the northerly margin of Bellbrook Avenue and easterly line of said Lot 222 S 31°20'40" W 5.00' to the southeasterly corner of the original 30' wide drainage easement;

thence with the southerly line said 30' wide drainage easement N 58°48'50" W 125.00' to a point being in the easterly line of a 5' utility easement;

thence with the easterly line of said 5' wide utility easement N 31°20'40" E 5.00' to a point being 25.00' south of the northerly line of said Lot 222;

thence with the new drainage easement line being 25.00' south of and parallel with the northerly line of said Lot 222 S 58°48'50" E 125.00' to the True Point of Beginning. Being subject to all legal easements, conditions and restrictions of record.

The above described 5.00' strip of land is intended to vacate a 5.00' strip of the original 30.00' wide drainage easement running thru Lot 222 of Arrowhead Acres Section 6.

This description is based upon a records found in the original Arrowhead Acres Section 6 Plat. No field survey was conducted. This exhibit was prepared by CLINCO & SUTTON SURVEYORS in September, 2019, under the direction of R. Douglas Sutton, Ohio Professional Surveyor # 7124.

Prepared by: 
R. Douglas Sutton, P.S.
Ohio Professional Surveyor