

**CITY OF XENIA, OHIO
ORDINANCE 2022 – 18**

**VACATING THE ALLEY BETWEEN PART OF LOT 165, PART OF LOT 165 – PARCEL 1,
AND PART OF LOT 172 - PARCEL 2 OF THE ORIGINAL PLAT OF THE CITY OF XENIA**

WHEREAS, a Petition to vacate the alley between Part of Lot 165 (191 E. Second Street), Part of Lot 165 – Parcel 1 (183 E. Second Street), and Lot 172 (S. Collier Street) of the Original Plat of the City of Xenia has been filed with the Council of the City of Xenia, Ohio, in accordance with ORC 723.04;

WHEREAS, written consent to vacation has been filed with this Council by the owners of the properties abutting the alley proposed for vacation, in accordance with ORC 723.06;

WHEREAS, a public hearing has been held on said Petition, as required by ORC 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, a majority of the members of Council present concurring, that:

Section 1. This Council finds that the Petition and Written Consent, signed by Shannon D. and Melissa J. Pollock, as owners of Part of Lot 165 – Parcel 1 (Greene County Parcel ID M40-0002-0012-0-0184-00) and Part of Lot 172 – Parcel 2 (Greene County Parcel ID M40-0002-012-0-0218-00), and Warren E. and Virginia Ann Hawk, as owners of Part of Lot 165 (Greene County Parcel ID M40-0002-0012-0-0183-00), have been properly presented to this Council, praying that the alley between the named Lots be vacated.

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 between Part Lot 165, Part Lot 165 – Parcel 1, and Part Lot 172 – Parcel 2, known and designated on the recorded Original Plat of the City of Xenia as being a part of Lot 165 and Lot 172, Plat Book 1, Pages 199-201 (NKA Plat Cabinet 31, Pages 53A – 53B), containing 0.017 acres, or more less, all as shown on the attached Vacation Plat submitted with the Petition (Exhibit A), is vacated.

Section 4. The abutting property owners, as to that portion of the alley abutting their properties, are hereby vested with a fee simple interest in half of the width of the strip of land that formerly comprised the alley, as shown on the attached Vacation Plat, subject to all existing legal easements of record. Any public utility who holds an easement of record in said vacated alley shall be deemed to have a permanent easement in said vacated alley, as set forth in ORC 723.041.

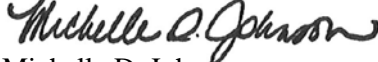
Section 5. The City Clerk is hereby instructed to record a certified copy of this Ordinance and the Vacation Plat in the office of the Recorder of Greene County, Ohio.


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 ORC 121.22.

Section 7. This Ordinance shall become effective on July 9, 2022.

Introduced: May 26, 2022
Adopted: June 9, 2022

Attest:


Michelle D. Johnson
City Clerk


Wesley E. Smith
President, Xenia City Council



BEARINGS BASED ON
THE N 89°55'00" E BEARING
ALONG SECOND STREET
AS DEPICTED IN
SURVEY RECORD 14, PAGE 41
GREENE COUNTY SURVEY RECORDS

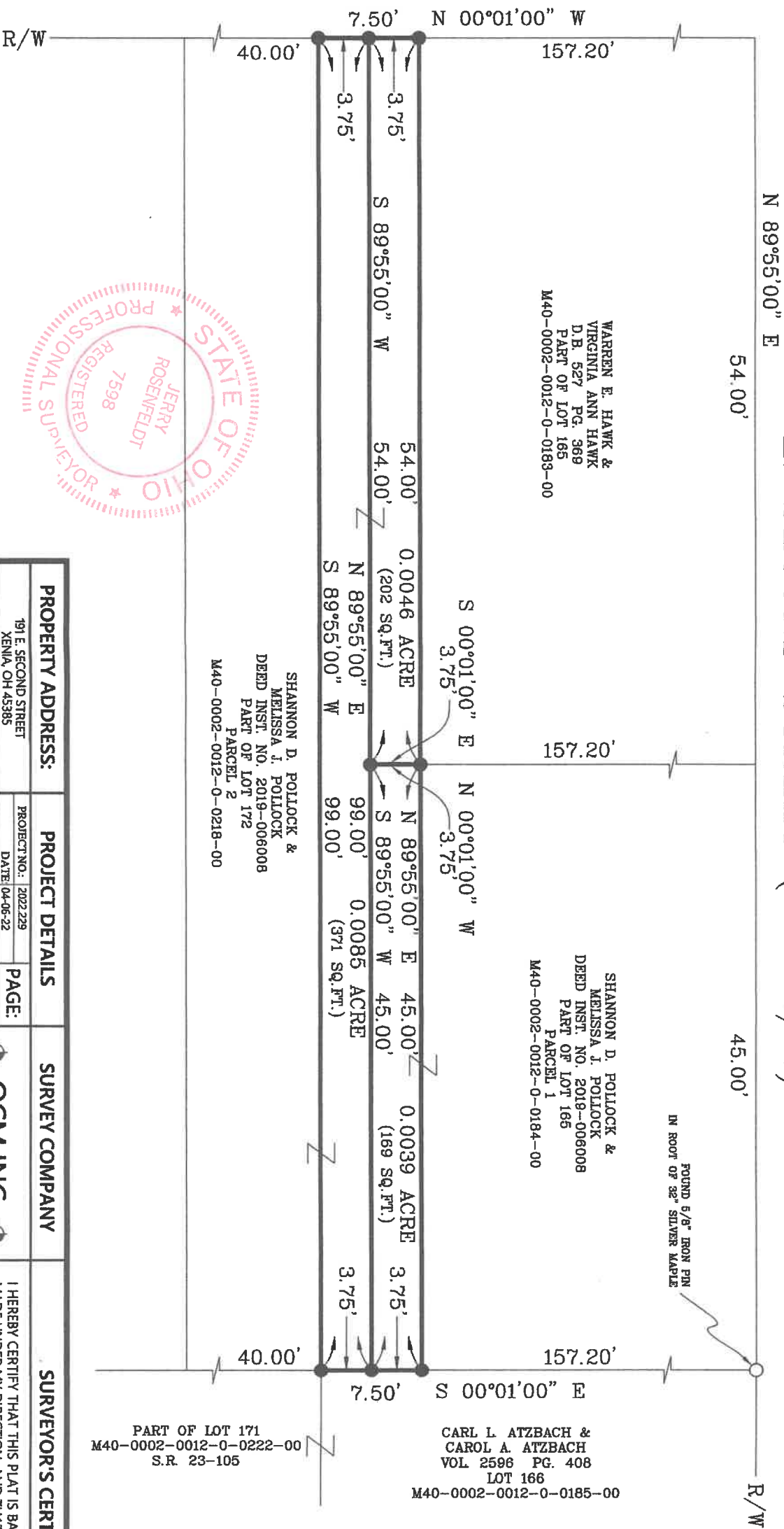
VACATION ALLEY PLAT
IN WARD A. LEWIS' SURVEY NO. 2243
VIRGINIA MILITARY DISTRICT
CITY OF XENIA
GREENE COUNTY STATE OF OHIO

BEING A PART OF LOT 165 & LOT 172
ORIGINAL PLAT OF THE CITY OF XENIA
PLAT BOOK 1 PAGES 199-201
NKA PLAT CABINET 31 PAGES 53A-53B

REFERENCES
PARCEL NO. M40-0002-0012-0-0218-00 & M40-0002-0012-0-0184-00
OWNERS: SHANNON D. POLLOCK & MELISSA J. POLLOCK
DEED REFERENCE: DEED INSTRUMENT NO. 2019-006008

NOTES:
1. ALL MONUMENTS FOUND IN GOOD CONDITION UNLESS OTHERWISE NOTED.
2. EVIDENCE OF OCCUPATION FITS THE SURVEY.
3. SUBJECT TO ALL EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

S. COLLIER STREET (24.75' R/W)



SHANNON D. POLLOCK &
MELISSA J. POLLOCK
DEED INST. NO. 2019-006008
PART OF LOT 172
PARCEL 2
M40-0002-0012-0-0218-00

WARREN E. HAWK &
VIRGINIA ANN HAWK
D.B. 527 PG. 369
PART OF LOT 165
M40-0002-0012-0-0183-00

SHANNON D. POLLOCK &
MELISSA J. POLLOCK
DEED INST. NO. 2018-006008
PART OF LOT 165
PARCEL 1
M40-0002-0012-0-0184-00

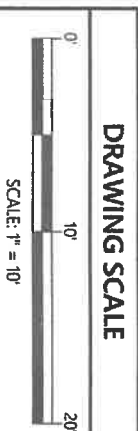
CARL L. ATZBACH &
CAROL A. ATZBACH
VOL 2598 PG. 408
LOT 166
M40-0002-0012-0-0185-00

PART OF LOT 171
M40-0002-0012-0-0222-00
S.R. 23-105

FOUND 5/8" IRON PIN
IN ROOF OF 32" SILVER MAPLE

- FOUND IRON PIN
- SET 5/8" IRON PIN
"QCM INC. OH LS 7598"
- R/W RIGHT-OF-WAY

LEGEND
R/W



PROPERTY ADDRESS:		PROJECT DETAILS		SURVEY COMPANY		SURVEYOR'S CERTIFICATION	
191 E. SECOND STREET XENIA, OH 45385		PROJECT NO.: 2022229	PAGE: 1 OF 1	QCM INC.		I HEREBY CERTIFY THAT THIS PLAT IS BASED UPON A FIELD SURVEY MADE UNDER MY DIRECTION, AND THAT THE MONUMENTS SHOWN ON THIS PLAT WERE EITHER SET OR FOUND AS DEPICTED. DATE	DATE
OWNER/DEVELOPER SHANNON & MELISSA POLLOCK		DATE: 04-05-22		7395 KINGSGATE WAY WEST CHESTER, OH 45069 (513) 779-8425 INFO@QCM-INC.NET			
SURVEYOR JERRY ROSENFELDT		DRAWN BY: MRN				JERRY ROSENFELDT OHIO LICENSED SURVEYOR NO. 7598	
REVISIONS		APPROVED: JRR				04-06-22	