

ORDINANCE NO. 1-2008

AN ORDINANCE VACATINGⁱ AN ALLEY LOCATED WEST OF COLUMBUS AVENUE AND EAST OF EAST TEMPLE STREET, BISECTING 1215 1221 AND 1225 EAST TEMPLE STREET AND 1206 1220 1230 COLUMBUS AVENUE

WHEREAS, John L. Rhoad, Trustee, the owner of certain property located 1215 and 1221 East Temple Street and 1206 and 1220 Columbus Avenue, parcel numbers 211-006-1-00-086, -087, 088, 085, 015, 106, 107, and 108, petitionedⁱⁱ Rob Bryant City Building Inspector, to vacate an alley more fully described in Exhibit A, attached hereto and incorporated by reference herein, and;

WHEREAS, Lois D. Rhoad, Trustee, the owner of certain property located at 1230 Columbus Avenue, parcel number 211-006-1-00-084-01, petitioned Rob Bryant City Building Inspector, to vacate an alley more fully described in Exhibit A, attached hereto and incorporated by reference herein, and;

WHEREAS, Shirley A. Pettit, Trustee, the owner of certain property located at 1225 East Temple Street, parcel numbers 211-006-01-00-109-00 and 211-006-1-00-085-01, petitioned Rob Bryant City Building Inspector, to vacate an alley more fully described in Exhibit A, attached hereto and incorporated by reference herein, and;

WHEREAS, all public services were contacted regarding their use of the alley for purpose of placement of services and utilities, and;

WHEREAS, Brian Barga, Right-Of-Way Manager for AT&T of Ohio, did not object to vacating the alley if the underground facilities were relocated at the expense of the owners or their assignees and that AT&T of Ohio was granted a new easement for the placement of their facilities, and;

WHEREAS, the Planning Commission at its December 4, 2008 meeting recommended that the alley be vacated pursuant to the terms and conditions espouse thereto and as proscribed in Exhibit A, attached hereto and incorporated by reference herein.

WHEREAS, the owners of the property abutting the property have given their written consent to the vacating of the alley.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WASHINGTON COURT HOUSE, FAYETTE COUNTY, OHIO

SECTION 1. It is to the best interests of the City of Washington Court House that the alley described in Exhibit A, be vacated, provided, that the City retains the right to maintain, operate, repair and replace, by itself or by any licensee or a holder of a franchise from the city, any poles, wires, pipes, conduits, sewer mains, water mains, or any other facility or equipment for the maintenance or operation of any

utility now located in the street or portion thereof vacated by this ordinance.

SECTION 2. That this Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED:

January 24, 2008

B & Roly
CHAIRPERSON OF COUNCIL

ATTEST:

Deena M. Keaton
CLERK OF COUNCIL

APPROVED AS TO FORM:

Paul Patton
CITY ATTORNEY