

Village of Chesapeake
Lawrence County, Ohio

Resolution 2024- 02

A Resolution Establishing the Village of Chesapeake, Vacation of Street/Alley Petition

WHEREAS, the Village wishes to establish a Village of Chesapeake, Vacation of Street/Alley Petition; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Chesapeake, Lawrence County, Ohio, two-thirds of all members elected or appointed thereto concurring as follows:

SEE ATTACHED EXHIBIT A, attached hereto and made apart hereof.

WHEREAS, the Village Council finds that it is in the best interests of the Village and its residents to adopt a Village of Chesapeake, Vacation of Street/Alley Petition, now, therefore,

Section One: Be It Resolved by The Village Council of The Village of Chesapeake Adopts The Forgoing Village Of Chesapeake, Vacation Of Street/Alley Petition, Marked as Exhibit A.

Section Two: All formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section Three: That this Ordinance is hereby declared to be and is passed as an emergency measure, the emergency being the need to manage the affairs of the Village in a prudent and responsible manner. Said Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village of Chesapeake.

Effective Date. This Ordinance shall take effect on the 4th day of March 2024.

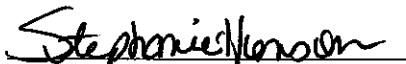
IN WITNESS WHEREOF, we have hereunto set our hands this 4th day of March, 2024.


MAYOR DREW GRIFFIN

PRESIDENT PRO TEMPORE WELLS

Attest:

Readings:


Fiscal Officer

+^{ER}
3/4/24

2nd _____ 3rd _____

Council Votes on Passage:

Mrs. Blake: ✓

Mr. Wells: ✓

Mr. Martin: ✓

Mr. Hart: ✓

Mr. Henson: ✓

Ms. Bentley: _____

EXHIBIT A

VILLAGE OF CHESAPEAKE

PETITION TO VACATE STREET/ALLEY

TO THE COUNCIL OF THE VILLAGE OF CHESAPEAKE, OHIO:

The undersigned, owners of lots in the Village of Chesapeake, Ohio, abutting on a _____ foot public alley running in a _____ direction from _____ to _____
(east/west/north/south) (street name/alley description)

_____ between lot numbers _____,
(street name/alley description) (numbers of all lots abutting the alley to be vacated)

respectfully petition your honorable body that said alley be vacated between the points named for the reason that it no longer serves a public purpose, and its vacation will not be detrimental to the general interest. The undersigned do hereby consent to the vacation of said alley in accordance with this petition filed within said Council.

Owner's signature(s)

Lot number

Each owner must sign, if agreed. If jointly owned, all parties must sign.

_____ and _____

_____ and _____

_____ and _____

_____ and _____

_____ and _____

_____ and _____

_____ and _____

_____ and _____

_____ and _____

_____ and _____

ATTACH A TAX MAP AND PLAT SHOWING THE STREET/ALLEY AND ALL ABUTTING PROPERTIES

PLEASE READ THE INFORMATION PRINTED WITH THIS PETITION

WHAT VACATING AN STREET/ALLEY MEANS TO THE ABUTTING PROPERTY OWNERS

1. In most cases, the vacated alley is divided by operation of law so that the adjacent property owners gain the additional land equally. However, this will depend on how the alley was originally dedicated. Abutting property owners or the applicant shall have complete responsibility to have the vacated street/alley surveyed. The village has no legal role in dividing the vacated property or resolving ownership disputes.
2. Any utilities occupying the alley will continue to have the right to do so, and the ordinance vacating the alley should so reflect. Furthermore, the alley may be subject to easements, which were granted to private individuals in the original instrument of platting or conveyance, and the village has no role in resolving such concerns.
3. The abutting property owners are responsible for the maintenance of the vacated street/alley if they want to continue to use it as access to their property. The village has no further responsibility whatsoever for the care of the property.
4. The abutting property owners are responsible for the security of the vacated street/alley.

VILLAGE COUNCIL WILL USE THE FOLLOWING GUIDELINES WHEN MAKING ITS DECISION:

1. There is no public purpose for the street/alley; and/or
2. All of the property owners abutting the alley concur and sign the petition to vacate; and/or
3. If vacating the alley does not create undue hardship for others in the area of the street/alley.

These guidelines are not law. In any decision to vacate a street/alley, Council must find that good cause exists for vacating it, and that vacating the street/alley will not be detrimental to the general interest.

SCHEDULE FOR VACATING AN STREET/ALLEY

1. File a petition with the clerk of the council, Mayor's office, 211 Third Avenue, Chesapeake, Ohio 45619.
2. A public notice will be printed six consecutive weeks prior to the public hearing. This is normal practice, although by law, the public notice and public hearing is not required when 100% of the owners abutting the alley sign the petition.
3. Village council will hold the public hearing after the six-week waiting period has expired.
4. The applicant must submit a legal description of the alley or street which will be incorporated into the ordinance placed on the **Village Council Agenda**.
5. A public hearing on the vacation is held in conjunction with the third reading of the ordinance. **The legal survey/description** must be submitted no less than thirty (30) days prior to the public hearing.
6. There is a fee of **\$350.00 fee (for certified mailing and advertising fees)** per application. Additional charges will apply (i.e. **Recording Fees with Lawrence County**). Checks or Money Orders can be made out to the Village of Chesapeake.
7. The Applicant and/or Owner **must attend** the council meeting.
8. Village council will vote on the petition to vacate the alley. This is usually done during the meeting immediately following the public hearing.
9. If village council approves the petition with an emergency clause, the action will take effect immediately upon the signatures by the President of Council and the Mayor. Without the emergency clause, the effective date will be thirty days after the council action and upon the signatures by the President of Council and the Mayor.
10. If not all of the abutting landowners sign the petition, but the council finds that the street/alley is to be vacated pursuant to ORC 724.04 then the vacated property shall be sold pursuant to ORC 721.03 with an additional advertising fee of **\$350.00 fee (for certified mailing and advertising fees)** per application.