

May 11, 2023

STREET COMMITTEE

May 15, 2022

Committee and Council Meetings can be viewed by accessing YouTube

Following Service Committee

AGENDA

1. **Consider Ordinance No. 23-16** AN ORDINANCE VACATING A PORTION OF A SIXTEEN (16) FOOT WIDE ALLEY AS SHOWN ON THE AMENDED PLAT OF WOODSIDE ADDITION, AS RECORDED IN PLAT BOOK 3, PAGE 185 OF THE LICKING COUNTY PLAT RECORDS; SAID ALLEY IS LOCATED SOUTH OF MOULL STREET, RUNNING EAST FROM WOODS AVENUE, SOUTH OF LOG POND RUN.
2. Other items at the discretion of the chair

BY: _____

AN ORDINANCE VACATING A PORTION OF A SIXTEEN (16) FOOT WIDE ALLEY AS SHOWN ON THE AMENDED PLAT OF WOODSIDE ADDITION, AS RECORDED IN PLAT BOOK 3, PAGE 185 OF THE LICKING COUNTY PLAT RECORDS; SAID ALLEY IS LOCATED SOUTH OF MOULL STREET, RUNNING EAST FROM WOODS AVENUE, SOUTH OF LOG POND RUN.

WHEREAS, Newark City Council received a petition from owners of real estate in the City of Newark praying for the herein described alley vacation; and,

WHEREAS, the Street Committee of the City of Newark met on May 15, 2023, and considered the procedure as outlined in Section 723.06 of The Ohio Revised Code whereby notice of the intention to vacate is not required, and approved the preparation and submittal of this legislation for Council consideration, in accordance with Section 723.06 of The Ohio Revised Code; and,

WHEREAS, this Council finds there is good cause for such vacation and that such vacation will not be detrimental to the general interest.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, AND STATE OF OHIO; THAT:

Section 1: The following described alley is hereby vacated, reserving, however, unto the City of Newark, Ohio, its successors and assigns, easements for construction, maintenance, and operation of various utilities, publicly owned and otherwise, to wit:

Being in the State of Ohio, County of Licking, City of Newark, and being a portion of a sixteen (16') foot wide alley running east from Woods Avenue and lying south of Moull Street, as shown on the Amended Plat of Woodside Addition as recorded in Plat Book 3 at Page 185 of the Licking County Plat Records, and being more particularly described as follows:

Beginning at a point at the northwest corner of Lot 3303 of said Woodside Addition, said point being on the east line of Woods Avenue and the south line of the subject alley;

Thence east along the north line of Lot 3303 of said Woodside Addition to the northeast corner of Lot 3303, said point being on the south line of the subject alley;

Thence north along the extension of the east line of Lot 3303 to a point on the south line of Lot 18 of the Plat of Moore's Addition of Outlots to the Town of Newark, as recorded in Plat Book 2 at Page 145 of the Licking County Plat Records (also Instrument 200409290035293), said point being on the north line of the subject alley;

Thence, west along the south lines of Lots 18 and 19 of said Moore's Addition to a point on the east line of Woods Avenue, said point being on the east line of Woods Avenue and the north line of the subject alley;

Thence, south along the east line of Woods Avenue, crossing the subject alley, to The Place of Beginning.

Section 2: The Division of Engineering of the City of Newark is hereby instructed to prepare a vacation plat of said vacated alley and the Clerk of Council is instructed to endorse upon such plat the action of this Council, and to cause such plat to be recorded in the Office of the Recorder of Licking County, Ohio.

Section 3: This Ordinance shall become effective at the earliest time permitted by law after passage by Council and signature of the Mayor.

Adopted this _____ day of _____, 2023.

President of Council

Attest: _____

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor

Form Approved by: _____
Law Director

Prepared by the Division of Engineering.

City of Newark
Division of Engineering

MEMORANDUM

TO : Street Committee
FROM: Brian Morehead, City Engineer
DATE : 26 April 2023
RE : Committee Agenda for meeting

Thank you for allowing discussion of this requested alley vacation at the next Street Committee meeting:

The location is:

1. 16' wide alley south of Moull Street, south of Log Pond Run, running east from Woods Avenue. The adjacent properties are owned by Tina Brooks, and the alley has long been unimproved and has a garage structure built in the right-of-way.

The single property owner adjacent to the alley right-of-way described has signed the petition requesting the vacation of the alley right-of-way.

In this situation, because the all of the property owners adjacent to the alley have signed the petition requesting the vacation, there is no requirement to pass a Resolution of Intent, nor to publish the proposed action in the newspaper (ORC 723.06). The Street Committee will serve as the public hearing to consider an Ordinance to Vacate the street, which would then be passed on to Council for approval.

If the Street Committee approves moving forward with the process to vacate this alley, the following process will occur:

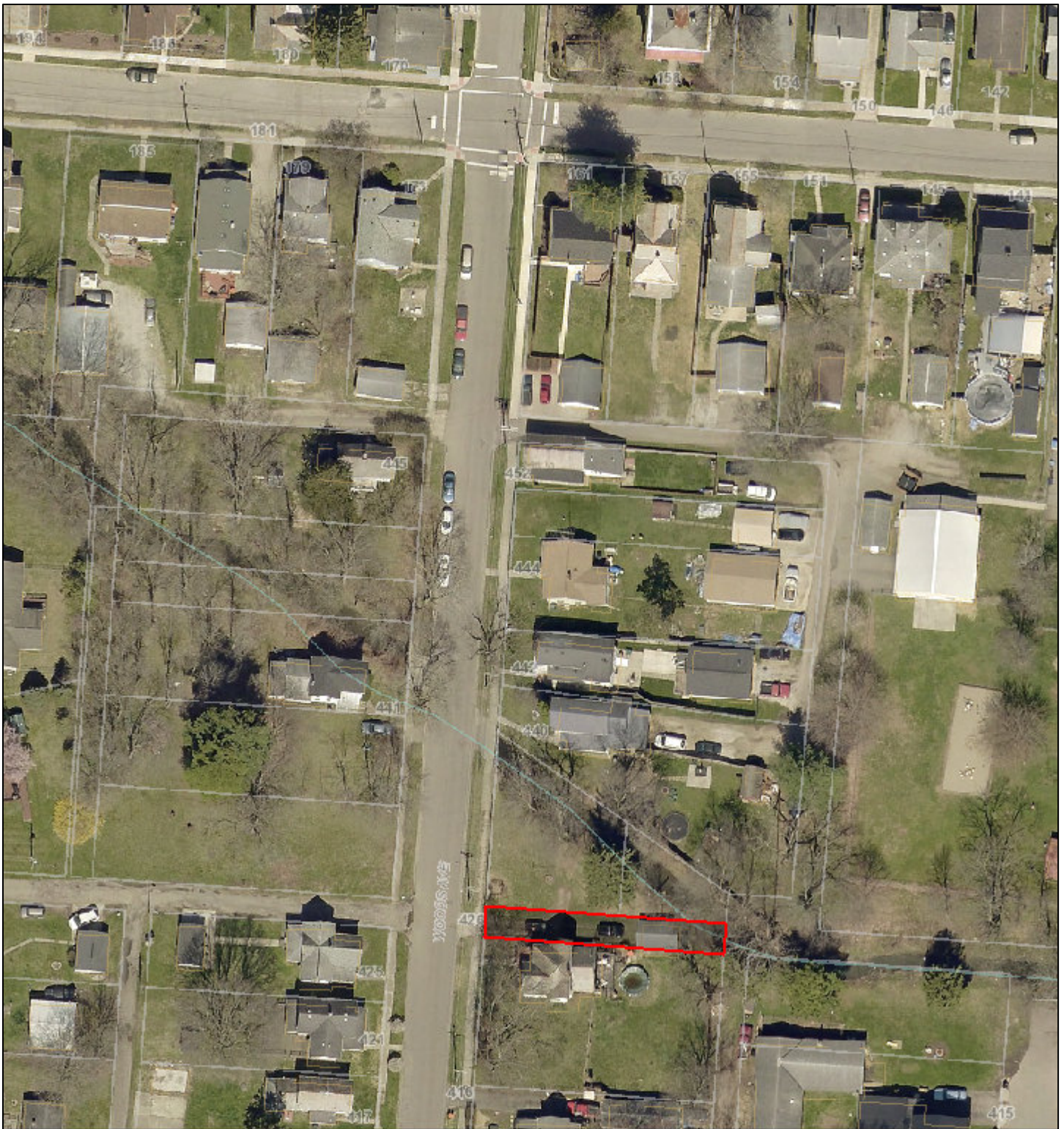
1. Forward Ordinance to Council to consider the Ordinance to Vacate.
2. If passed by Council, the Ordinance will become effective in 30 days, and Engineering will create a vacation plat that the Clerk will record with the LC Recorder.

Our practice is to write the vacating legislation such that although the street right-of-way is vacated, the City still retains an easement over the area for any current or future underground utilities. Basically, the City is just saying that we are not going to maintain the street areas any longer, and the adjoining property owners assume the ownership of the land and responsibility to maintain the ground.

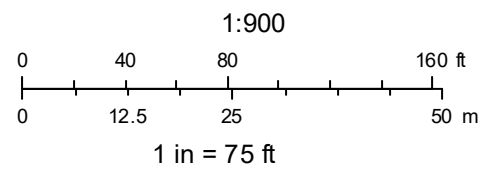
If you have further detailed questions before the committee meeting, please give me a call at 740-670-7725.

cc: Law Director, City Engineer, File D-4

Alley Vacation Request -Woods Ave



April 18, 2023



PETITION TO VACATE A STREET OR ALLEY

TO THE COUNCIL OF THE CITY OF NEWARK, STATE OF OHIO

The undersigned, being the owners of all of the lots and lands abutting the street or alley proposed to be vacated by this petition, said street or alley being more fully described hereinafter, respectfully petition your honorable body that the said street or alley may be vacated for the reason that it is no longer of use to the public, and that its vacation will not be detrimental to the general interest. The said street or alley is described as follows:

PROPOSED ALLEY VACATION – Woods Avenue, south of Moull Street

Being in the State of Ohio, County of Licking, City of Newark, and being a portion of a sixteen (16') foot wide alley running east from Woods Avenue and lying south of Moull Street, as shown on the Amended Plat of Woodside Addition as recorded in Plat Book 3 at Page 185 of the Licking County Plat Records, and being more particularly described as follows:

Beginning at a point at the northwest corner of Lot 3303 of said Woodside Addition, said point being on the east line of Woods Avenue and the south line of the subject alley;

Thence east along the north line of Lot 3303 of said Woodside Addition to the northeast corner of Lot 3303, said point being on the south line of the subject alley;

Thence north along the extension of the east line of Lot 3303 to a point on the south line of Lot 18 of the Plat of Moore's Addition of Outlots to the Town of Newark, as recorded in Plat Book 2 at Page 145 of the Licking County Plat Records (also Instrument 200409290035293), said point being on the north line of the subject alley;

Thence, west along the south lines of Lots 18 and 19 of said Moore's Addition to a point on the east line of Woods Avenue, said point being on the east line of Woods Avenue and the north line of the subject alley;

Thence, south along the east line of Woods Avenue, crossing the subject alley, to The Place of Beginning.

Respectfully submitted,

(Print--Do not print or sign as Mr. or Mrs., you must sign with your given name.)

NAME OF PARCEL OWNERS

ADDRESS

SIGNATURE

Tina L Brooks 426 Woods Ave Tina L Brooks