

**AN ORDINANCE TO VACATE A SECTION OF RIGHT OF WAY KNOWN AS LOW
ALLEY SOUTH WEST OF EWING STREET**

WHEREAS, a section of Low Alley, situated between lots 121, 122, 123, 124 of Armstrong's Second Addition, Book A, Page 30, is dedicated as a public alley between Cherry Alley and Church Street, and within the Village of Centerburg, Ohio, as more fully described in Exhibit "A" attached hereto; and

WHEREAS, the aforementioned section of Low Alley has never been used by the public as an alley or for other use by utilities or public improvements, nor is it planned to be used therefor; and

WHEREAS, the aforementioned section of Low Alley is abutted by parcel no. 18-00065.000 (owned by Jason T. Potts), parcel no. 18-00066.000 (owned John J. and Sonja K. Wilcox), parcel no. 18-00285.000 (owned by Michael J. and Heather Kelley), and parcel no. 18-00109.000 (owned by Michael J. Jarvis and Carole L. Rennie Jarvis); and

WHEREAS, few records indicate that a portion of the aforementioned section of Low Alley may have been partially vacated, but appropriate documents have not been recorded in the Knox County Recorder's Office reflecting a transfer to all of the abutting owners, and only reflecting a purported transfer of parcel no 18-00108.000 to the owners of parcel no. 18-00109.000 (owned by Michael J. Jarvis and Carole L. Rennie Jarvis); and

WHEREAS, pursuant to Revised Code Section 723.06, the current property owners of the abutting parcels have agreed to waive notice of the Village's intent to vacate the alley as attached hereto in Exhibit "B"; and

WHEREAS, Council finds there is good cause for vacating the aforementioned section of dedicated public right of way and alley, and that such vacation will not be detrimental to the general interests of the citizens of the Village.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF CENTERBURG, OHIO:**

Section 1. That for good cause shown, and because such will not be detrimental to the general interests of the citizens, the section of Low Alley between lots 121, 122, 123, and 124 of Armstrong's Second Addition, Book A, Page 30, existing off of Cherry Alley and Church Street within the Village of Centerburg, Ohio, as more fully described in Exhibit "A" attached hereto, is hereby vacated.

Section 2. The property described in Exhibit "A" attached hereto shall be equitably divided among the abutting owners, and that to the extent such equitable division is already reflected in the transfer of parcel no. 18-00108.000 to the owners of parcel no. 18-00109.000 (owned by Michael J. Jarvis and Carole L. Rennie Jarvis), the same is hereby ratified; and

Section 3. The remaining property described in Exhibit "A" attached hereto shall be equitably divided among, and title shall transfer to, the owners of parcel no. 18-00065.000 (owned by Jason T.

Potts) and parcel no. 18-00066.000 (owned John J. and Sonja K. Wilcox) and parcel no. 18-00285.000 (owned by Michael J. and Heather Kelley), and no transfer of additional property shall occur to the owners of Parcel 18-00108.00 or 18-00109.00 (owned by Michael J. Jarvis and Carole L. Rennie Jarvis).

Section 4. That Council hereby directs that a certified copy of this Ordinance, along with the legal description (Exhibit "A") and Village Engineer's approval thereof, and the Waivers of Notice (Exhibit "B"), shall be approved by the Knox County Engineer and the Knox County Auditor, and thereafter recorded in the official records of the Knox County Recorder.

Section 5. That the Clerk-Treasurer be and is hereby directed to charge, assess, and if unpaid, levy, the Village Engineer's fee for review and approval of the property descriptions, along with any and all fees necessary for the approval and recording of this Ordinance and its attachments, in an equitable fashion upon the aforementioned property owners.

WHEREFORE, this Ordinance shall take effect and be in force upon the earliest date allowed by law.

DATE PASSED 08/05/19

signature on file

PRESIDENT OF COUNCIL

ATTEST signature on file
CLERK OF COUNCIL

signature on file

MAYOR

APPROVED AS TO FORM:

DATE APPROVED: 8/5/19

signature on file
LEGAL COUNSEL

I hereby certify that the ordinance or a summary of the ordinance was published once a week for two consecutive weeks on August 15, 2019 and August 22, 2019 in the *Mount Vernon News* in conformance with the Ohio Revised Code.

signature on file
CLERK-TREASURER

EXHIBIT "A"

Situated in the County of Knox, Village of Centerburg, and State of Ohio:

Being a portion of Low Alley in the Village of Centerburg between Cherry Alley and Church Street abutting the property of parcel no. 18-00065.000 (owned by Jason T. Potts), parcel no. 18-00066.000 (owned John J. and Sonja K. Wilcox), parcel no. 18-00285.000 (owned by Michael J. and Heather Kelley) and parcel no. 18-00109.000 (owned by Michael J. Jarvis and Carole L. Rennie Jarvis)

SUPPLEMENT TO EXHIBIT "A"
TO ORDINANCE NO. 2019-__

The undersigned, Village Engineer for the Village of Centerburg, Knox County, Ohio, hereby states that I have reviewed the property description for the parcel of Low Alley attached hereto and hereby approve same for use in the vacation of said property as a public right of way and alley, and for recording with the Knox County Auditor and/or Recorders' Offices.

**VILLAGE ENGINEER FOR THE VILLAGE OF
CENTERBURG, OHIO**

Sworn to and subscribed before me this _____ day of _____, 2019.

Notary Public

WAIVER OF WRITTEN NOTICE

WHEREAS, a section of Low Alley, situated between lots 121, 122, 123, 124 of Armstrong's Second Addition, Book A, Page 30, is dedicated as a public alley between Cherry Alley and Church Street, and within the Village of Centerburg, Ohio, as more fully described in Exhibit "A" attached hereto; and

WHEREAS, this section of the unnamed alley has never been used as an alley or contained utilities or public improvements, nor is it planned to be used as a public alley, and is thus being vacated as a public alley by ordinance O-19-06A (Ordinance 2019-11) of the Village of Centerburg, Ohio; and

WHEREAS, few records indicate that a portion of the aforementioned section of Low Alley may have been partially vacated, but appropriate documents have not been recorded in the Knox County Recorder's Office reflecting a transfer to all of the abutting owners, and only a purported transfer of parcel no 18-00108.000 to the owners of parcel no. 18-00109.000 (owned by Michael J. Jarvis and Carole L. Rennie Jarvis); and

WHEREAS, upon passage of Ordinance 2019-11 vacating said alley, all right, title, and interest in and to Parcel No 18-00108.00 shall vest in the owners of Parcel No 18-00109.000, and said owners shall have no further right or interest in any additional portion of the remainder of the vacated section of the alley; and

WHEREAS, with the exception of Parcel No 18-00108.00, the remaining portion of the alley as vacated shall be equitably divided and vest in the owners of parcel no. 18-00065.000 (owned by Jason T. Potts), parcel no. 18-00066.000 (owned John J. and Sonja K. Wilcox), parcel no. 18-00285.000 (owned by Michael J. and Heather Kelley); and

WHEREAS, pursuant to Ohio Revised Code 723.06; the Village of Centerburg is required to publish notice of its intent to vacate the alley, except when written consent to such vacation is filed with the legislative authority by the owners of the property abutting the part of the street or alley proposed to be vacated, in which case such notice shall not be required.

NOW THEREFORE; the undersigned state in writing their agreement to the following:

- 1) I am the owner, or duly authorized agent of the owner, of the property abutting the section of the unnamed alley described above; and
- 2) I hereby waive any right to notice or publication, and hereby provide my written consent to the above-stated terms vacating the portion of the unnamed alley that abuts my property; and
- 3) This wavier may be signed in counterparts.

39 S. Ewing Street (Lot 121)
Knox County Auditor's PPN: 18-00285.000

Michael J. Kelley

Heather Kelley

31 Ewing Street (Lot 122)
Knox County Auditor's PPN: 18-00008.000 and 18-00009.000

Michael John Jarvis

Carole L Rennie Jarvis

30 S. Preston Street (Lot 123)
Knox County Auditor's PPN: 18-00065.000

Jason T. Potts

36 S Preston Street (Lot 124)
Knox County Auditor's PPN: 18-00066.000

John J. Wilcox

Sonja K Wilcox

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