

ORDINANCE NO: 16-O-02  
SPONSOR: BY PETITION (ORC. 723.04)  
INTRODUCED: FEBRUARY 17, 2016

**AN ORDINANCE VACATING A PORTION OF THE UNNAMED ALLEY RUNNING BETWEEN PARCEL NUMBERS 2301384 and 2301385, PURSUANT TO THE APPLICABLE PROVISIONS OF THE OHIO REVISED CODE, AND DECLARING THAT THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON PASSAGE.**

WHEREAS, a portion of an Unnamed Alley that runs between Parcel Numbers 2301384 and 2301385 is located in New Franklin; and

WHEREAS, the portion of the Unnamed Alley running between Parcel Numbers 2301384 and 2301385 is no longer needed by New Franklin; and

WHEREAS, a plat of the portion of the Unnamed Alley to be vacated is attached to this Ordinance; and

WHEREAS, both of the owners of the properties which abut the portion of the Unnamed Alley to be vacated have petitioned New Franklin Council pursuant to ORC 723.04 to proceed with the vacation; and

WHEREAS, a copy of the petition received by New Franklin is attached to this Ordinance; and

WHEREAS, ORC 723.04 allows the legislative authority to act on the petition after holding a public hearing on the proposed vacation; and

WHEREAS, Ohio Revised Code Section 723.04 allows the legislative authority to vacate any street, or part thereof, when the vacation will not be detrimental to the public interest; and

WHEREAS, the vacated portion of the Unnamed Alley will be split equally between the 2 abutting parcels; and

WHEREAS, all the abutting property owners have noted their written consent to the vacation by executing the attached consents; and

WHEREAS, Ohio Revised Code 723.06 allows New Franklin to dispense with notice and publication of the vacation as required by Section 723.07 because all the abutting property owners have executed their written consent; and

WHEREAS, pursuant to Ohio Revised Code 723.04, New Franklin Council finds that there is good cause for such vacation as set forth in this Ordinance and that such vacation will not be detrimental to the public interest and is conducive to the general interest of the public and the area is no longer needed for any municipal purposes and that the vacation should be made.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEW FRANKLIN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:**

**SECTION ONE:**

The portion of the Unnamed Alley running between Parcel Numbers 2301384 and 2301385, as set forth in the vacation plat attached to this Ordinance is hereby vacated pursuant to Chapter 723 of the Ohio Revised Code. This vacation is hereby a revocation of any prior acceptance of the portion of the Unnamed Alley running between Parcel Numbers 2301384 and 2301385 by any predecessor in interest to the City of New Franklin.

**SECTION TWO:**

New Franklin Council recognizes and accepts the written consent of all of the abutting property owners as set forth in the attachments to this Ordinance and finds that the consent of the abutting property owners allows New Franklin to dispense with the notice of the vacation as required by Ohio Revised Code Section 723.07.

**SECTION THREE:**

The Clerk of New Franklin Council is hereby authorized and directed to send a certified copy of this Ordinance to the Fiscal Officer of Summit County to notify the Fiscal Officer of this vacation.

**SECTION FOUR:**

The New Franklin Planning and Zoning Department is hereby authorized and directed to cause an original copy of the attached plat to be recorded with the Fiscal Officer of Summit County to effectuate the vacation so that the vacated portion of the Unnamed Alley is divided equally between the two abutting parcels.

**SECTION FIVE:**

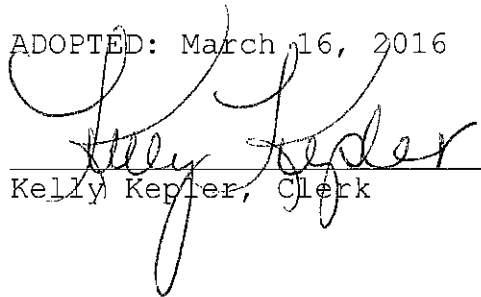
The City of New Franklin finds and determines that all formal actions of this Council concerning and relating to the adoption of this legislation were taken in open meetings of this Council

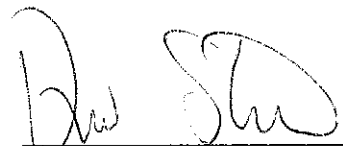
and any deliberation of this Council and any other Committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**SECTION SIX:**

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of New Franklin. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: March 16, 2016

  
\_\_\_\_\_  
Kelly Kepler, Clerk

  
\_\_\_\_\_  
David Stock, President  
16-0-02

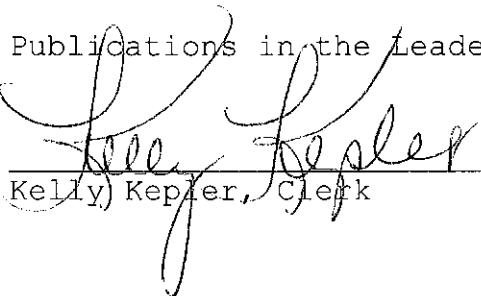
APPROVED: March 16, 2016

  
\_\_\_\_\_  
Al Bollas, Mayor

ENACTED EFFECTIVE: March 16, 2016

ON ROLL CALL: Cotts - YES          Jones - YES          Gehm - YES  
                 Kalapodis - YES      Norris - YES - Stock - YES  
                 Harget - Absent

Publications in the Leader on March 25, 2016 and April 1, 2016

  
\_\_\_\_\_  
Kelly Kepler, Clerk

PETITION FOR VACATING A PORTION  
OF AN UNNAMED ALLEY IN NEW  
FRANKLIN, OHIO RUNNING THROUGH  
THE PROPERTY AT 1045 WEST NIMISILA ROAD  
(PARCEL NUMBERS 2301384 & 2301385)

February 4, 2016

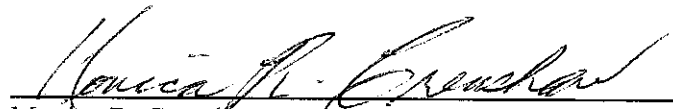
TO THE NEW FRANKLIN MAYOR AND COUNCIL, CITY OF NEW FRANKLIN, OHIO:

Ohio Revised Code Section 723.04 allows abutting property owners to petition the legislative authority to vacate a street that is no longer used or needed for any municipal purposes. After receiving the petition, the legislative authority shall hold a hearing on the issue and upon finding that there is good cause for such vacation, that such vacation will not be detrimental to the public interest, that the street is no longer needed for any municipal purpose and that the vacation should be made, the legislative authority may by ordinance declare the street vacated.

Pursuant to Ohio Revised Code Section 723.04, the undersigned, being owners of property abutting the requested Unnamed Alley vacation shown on the attached plat, respectfully petition New Franklin Council to vacate the portion of the Unnamed Alley that runs between Parcel Numbers 2301384 & 2301385.

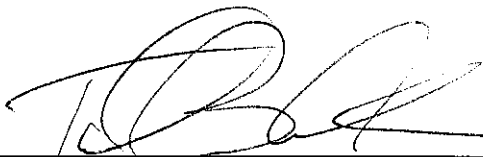


Tobin B. Crenshaw  
Property Owner of 1045 W. Nimisila Rd., New Franklin, OH 44216  
(Parcel Numbers 2301384 & 2301385)




Monica R. Crenshaw  
Property Owner of 1045 W. Nimisila Rd., New Franklin, OH 44216  
(Parcel Numbers 2301384 & 2301385)

We, **Tobin B. Crenshaw and Monica R. Crenshaw**, the owners of the properties which abut the portion of the Unnamed Alley that runs through the two parcels that we own at 1045 West Nimisila Road, New Franklin, Ohio (Parcel Numbers 2301384 & 2301385), hereby consent to the vacation of that portion of the Unnamed Alley by New Franklin City Council.



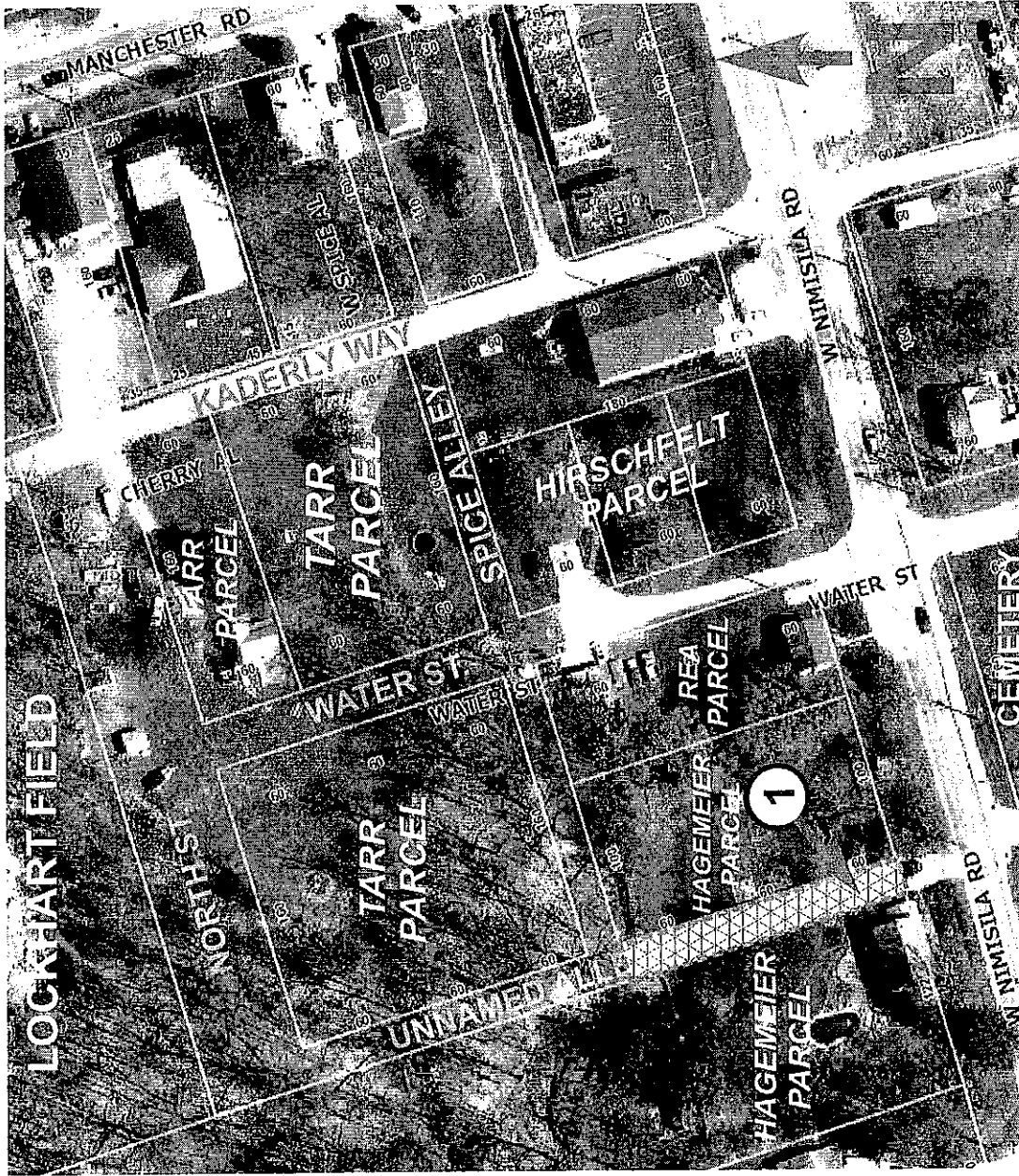
\_\_\_\_\_  
TOBIN B. CRENSHAW

\_\_\_\_\_  
DATE



\_\_\_\_\_  
MONICA R. CRENSHAW

2/12/16  
\_\_\_\_\_  
DATE



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Hagemeier driveway is located on Unnamed Alley

Area proposed for street vacation

"Exhibit A"

# ALLEYS NORTHWEST OF MANCHESTER/W. NIMISILA INTERSECTION