

Village of Mantua, Ohio
ORDINANCE 2013-07

AN ORDINANCE VACATING A PORTION OF THE UNIMPROVED PUBLIC RIGHT OF WAY KNOWN AS THE WESTERN PORTION OF COLLEGE STREET IN THE VILLAGE OF MANTUA, OHIO.

WHEREAS, pursuant to Ohio Revised Code Section 723.05, the Village may vacate a public street, or any part thereof, when doing so will not be detrimental to the general interest; and

WHEREAS, this Council has determined that 102.75 feet of the western portion of College Street is not needed for any municipal purpose, and that there is good cause for vacating the same; and

WHEREAS, the Village has received written consent to the vacation from the abutting property owner(s) pursuant to Ohio Revised Code 723.06; and

WHEREAS, The Mantua Village Planning Commission has recommended the vacation as set forth in the attached Exhibits A, B and C.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Mantua, Portage County, Ohio, a majority or more of the members elected thereto concurring, that:

SECTION 1. This Council hereby finds and determines that there is good cause for vacating 102.75 feet of the unused and unimproved strip of land known as the western portion of College Street in the Village of Mantua, and that such vacation will not be detrimental to the general interest.

SECTION 2. The following described public way within the Village of Mantua, Ohio, as shown on the attached "Exhibit A", and more fully described as follows, to wit:

Beginning at a 3/4" iron pin found at the northeast corner of Lot 3 of D. Atwater Original Survey as recorded in Volume 68, Page 506 of Portage County Record of Deeds (currently conveyed to R. Zoller by Portage County Document #200533930) and also being on the south line of College Street (30') and the west line of Main Street (60'), thence North 89° 58' 45" West, along the north line of said Lot 3 and south line of said College Street, a distance of 102.75 feet to a 5/8" capped rebar set; thence North 4° 30' 00" East, along a new line, and passing over a 5/8" capped rebar set at 15.00 feet, a distance of 30.00 feet to a 5/8" capped rebar set on the north line of said College Street and the south line of Lot 2 of said D. Atwater Original Survey (currently conveyed to Mantua Village by Portage County Document #200435285); thence South 89° 58' 45" East, along the north line of said College Street and south line of said Lot 2, a distance of 102.75 feet to a point on the west line of said Main Street and the southeast corner of said Lot 2; thence South 4° 30' 00" West, along the west line of said Main Street and passing over a 5/8" iron pin found at 0.09 feet, a distance of 30.00 feet to the point of beginning and containing 0.0706 acres of land as surveyed in January 2013 by Clifford H. McGuire, Professional Surveyor No. 7770

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is hereby vacated as a public way and acceptance of its prior dedication is hereby rescinded.

SECTION 3. The title to the real estate represented by this vacated public right of way, and as further set forth in Exhibits “B” and “C”, attached, hereby vests in the adjoining property owners as provided by law.

SECTION 4. The adjoining property owners shall each bear their own costs associated with the recording of this ordinance and related documents with the Recorder of Portage County and any other agency where recording is necessary including but not limited to the cost of any new survey, if required. Further, the adjoining property owners shall be responsible for drawing new deeds to divide the vacated street between the parcels of property to its north and to its south if required to do so by any agency.

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance shall take effect upon proper passage by at least a majority of the members elected to this Council at the earliest period allowed by law.

PASSED IN COUNCIL this 21st day of May, 2013.

Attest:

Linda Clark, Mayor

Jenny August, Clerk of Council

I, Jenny August, Clerk of the Village of Mantua, Ohio, hereby certify that this Ordinance was duly published by public posting at pre-designated posting places in the Village of Mantua.

Jenny August, Clerk of Council

Approved as to legal form:

Michele A. Stuck, Village Solicitor