

ORDINANCE NO. 4-08

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER James Singer ON THE 19th DAY OF May, 2008.

AN ORDINANCE APPROVING THE VACATION OF A PORTION OF THE PUBLIC RIGHT-OF-WAY OF SOUTH METRO PARKWAY FKA SOUTH METRO DRIVE.

WHEREAS, Miami Valley Hospital ("Petitioner"), the owner of property lots located on both sides of South Metro Parkway and the land located at the existing east end of South Metro Parkway, have filed a petition, attached hereto as Exhibit "A" and incorporated herein, for the vacation of a portion of the public right-of-way of said street pursuant to Ohio Revised Code § 723.04; and

WHEREAS, City Council, upon hearing, is satisfied that there is good cause for the vacation of this stub street and that such vacation will not be detrimental to the general interest; and

WHEREAS, pursuant to Ohio Revised Code § 723.06, notice of Council's intention to vacate a portion of the public right-of way of South Metro Parkway is not required to be given, because Petitioner, who is the owner of the property abutting the street, has expressed its written consent to the vacation by the filing of its petition; and

WHEREAS, Section 711.39 of the Ohio Revised Code requires that a plat must be prepared and recorded with the Recorder of Montgomery County, Ohio so as to depict the width and length of the alley to be vacated.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION I:

Council for the City of Centerville held a public hearing on the 19th day of May, 2008, to discuss the vacation of a portion of the public right-of-way of South Metro Parkway more particularly described in Exhibit "A", attached hereto. During the public hearing, no one made any objections to the vacation of said street.

SECTION II: The Council finds that if the re-platting procedure described in Section III is followed, there will be good cause for the requested partial street vacation, that it will not be detrimental to the general interest, and that it should be made.

SECTION III: The City Engineer shall cause to be recorded the vacation plat.

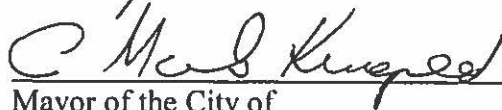
The plat shall be prepared and certified by a licensed surveyor or engineer and shall comply with platting requirements of the City of Centerville. The area sought to be vacated shall be depicted on the plat by measurements and by some method to distinguish the width and length of the specific part of the street which is to be vacated.

SECTION IV: The street which is the subject of this ordinance is hereby declared to be vacated, at such time as the platting procedures described in Section III above have been completed.

SECTION V: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and 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, but not limited to Section 121.22 of the Ohio Revised Code.

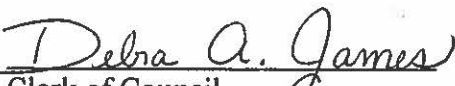
SECTION VI: This Ordinance shall take effect at the earliest date allowed by law.

PASSED THIS 19th day of May, 2008.



Mayor of the City of
Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE OF RECORDING OFFICER

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 4-08, passed by the Council of the City of Centerville, Ohio on the 19th day of May, 2008.

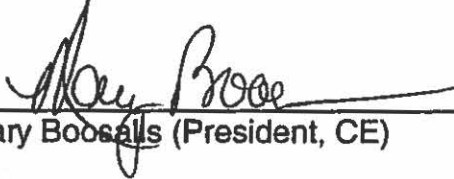
Debra A. James
Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.
Department of Law
Scott A. Liberman
Municipal Attorney

PETITION TO THE COUNCIL OF THE CITY OF CENTERVILLE, OHIO
FOR THE VACATION OF A PORTION OF THE
PUBLIC RIGHT-OF-WAY OF SOUTH METRO DRIVE

We, the undersigned, being the owner of lots located on both sides of South Metro Drive and the land located at the existing east end of South Metro Drive, hereby petition the Council of the City of Centerville to vacate the portion of said street shown on the attached exhibit in accordance with Ohio Revised Code 723.04. We are re-platting the 3 lots into a single lot so that all zoning requirements are met for lot frontage after the street vacation.

MIAMI VALLEY HOSPITAL



Mary Boosals (President, CE)



Date

Prepared By:
SCHAFFER ENGINEERING
 ENGINEERS
 SURVEYORS
 1253-G Lyons Road Dayton, Ohio 45458 Tel: (937) 434-5104



N0°25'43"E ~ 391.15'

20' ELEC. EASE.

ORIGINAL PROPERTY LINE

PART LOT 1
 SOUTH METRO INDUSTRIAL PARK
 SEC. TWO
 P.B. 171, PG. 15

MIAMI VALLEY HOSPITAL
 I.R. DEED *05-066020

10' UTILEASE.
 P.B. 171, PG. 15

10' ELEC. EASE.

10' UTILEASE.
 P.B. 171, PG. 15

35' BLDG. SETBACK LINE
 P.B. 171, PG. 15

R=570.00'
 I=11°40'59"
 A=116.23'
 LCh-N837'54"W
 ~ 116.03'

N88°58'24"W
 ~ 45.92'

ORIGINAL PROPERTY LINE



R=25.00'
 I=90°0'0"
 A=39.27'
 LCh-S46°1'36"W
 ~ 35.36'

S 77°17'24"E ~ 973.43'

SOUTH METRO DR.

LOT 2
 SOUTH METRO INDUSTRIAL PARK
 SEC. TWO
 P.B. 171, PG. 15

MIAMI VALLEY HOSPITAL
 I.R. DEED *05-066020

40' ACCESS & UTILEASE.
 P.B. 171, PG. 15

10' UTILEASE.
 P.B. 171, PG. 15
 35' BLDG. SETBACK LINE
 P.B. 171, PG. 15

R=630.00'
 I=11°40'59"
 A=128.46'
 LCh-S837'54"E
 ~ 128.24'

S88°58'24"E
 ~ 45.92'

N11°36"E
 ~ 110.00'

R=25.00'
 I=90°0'0"
 A=39.27'
 LCh-S43°58'24"E
 ~ 35.36'

20' UTILEASE.
 P.B. 171, PG. 15

10' UTILEASE.
 P.B. 171, PG. 15

ORIGINAL PROPERTY LINE

122' DRAIN. & UTILEASEMENT
 P.B. 171, PG. 15