

ORDINANCE NO. 5-08

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brooks Compton ON THE 19<sup>th</sup> DAY OF May, 2008.

**AN ORDINANCE APPROVING THE VACATION OF A PORTION OF THE PUBLIC RIGHT-OF-WAY OF LEGENDARY WAY.**

**WHEREAS**, Great Traditions Development Group ("Petitioner"), on behalf of Yankee Trace Development, Inc., the owner of property lots located on both sides of Legendary Way, has 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 Legendary Way 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 street 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 19<sup>th</sup> day of May, 2008, to discuss the vacation of a portion of the public right-of-way of Legendary Way 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. In order to avoid the land formerly occupied by the alley continuing as a separate tract, the rear lines of the abutting lot shall be revised by this plat so as to include the applicable portion of the vacated area or verbiage included on the plat that will require the transfer of the vacated portion with the adjoining property.

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.

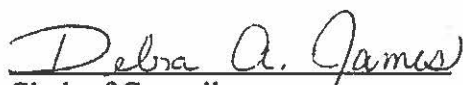
SECTION VI:

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

PASSED THIS 19<sup>th</sup> day of May, 2008.

  
\_\_\_\_\_  
Mayor of the City of Centerville, Ohio

ATTEST:

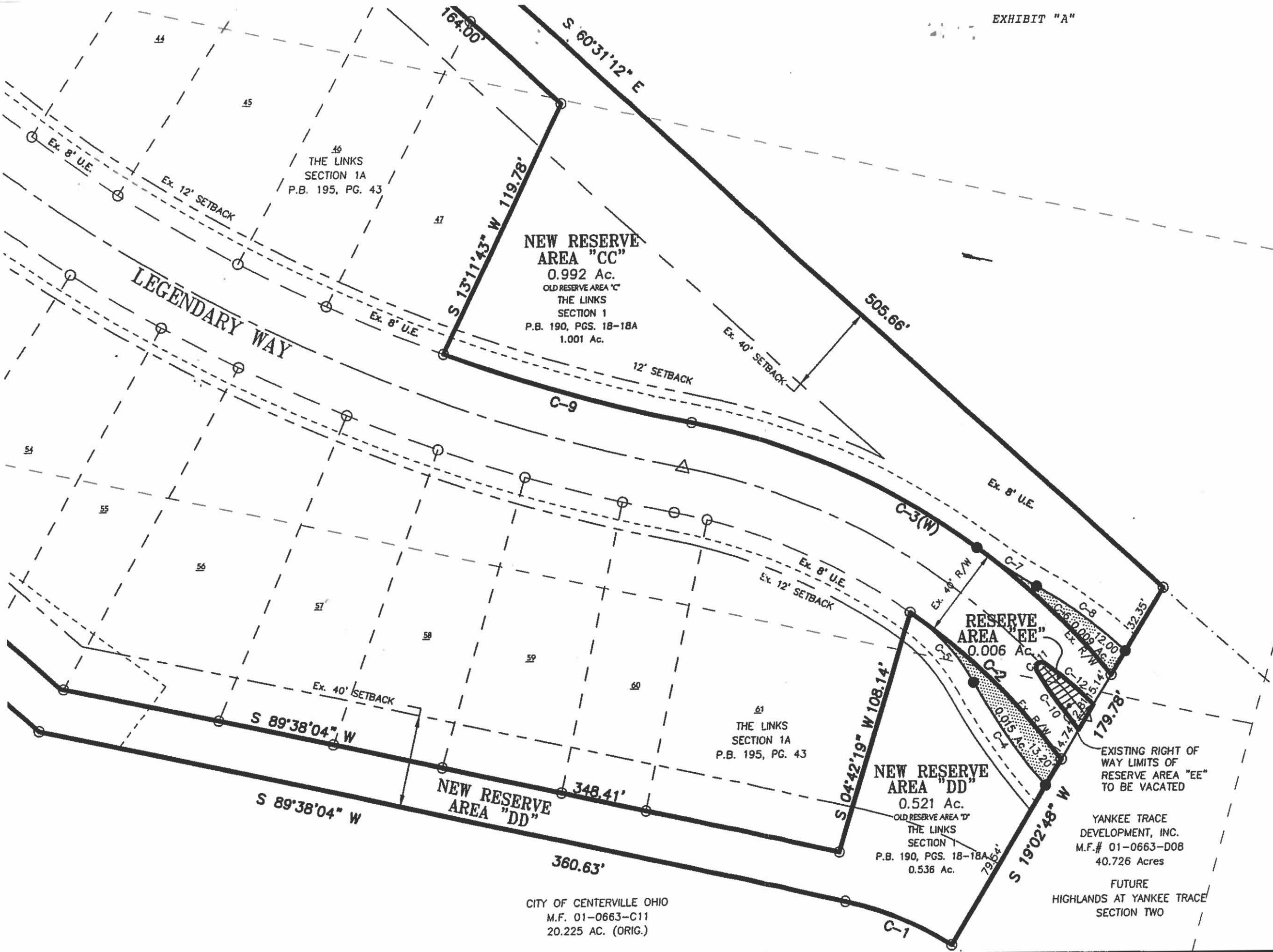
  
\_\_\_\_\_  
Clerk of Council  
City of Centerville, Ohio

**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. 5-08, passed by the Council of the City of Centerville, Ohio on the 19<sup>th</sup> 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



CITY OF CENTERVILLE OHIO  
M.F. 01-0663-C11  
20.225 AC. (ORIG.)

YANKEE TRACE DEVELOPMENT, INC.  
M.F.# 01-0663-D08  
40.726 Acres

**THE LINKS AT YANKEE TRACE SECTION 1-C**  
**1543 ACRES**  
BEING A REPLAT OF RESERVE AREA 'C' & 'I' OF THE LINKS OF YANKEE TRACE SECTION 1, P.B. 190, PGS. 18-18A, RANGE 5 MFRS. SECTION 34, TOWN 3, RANGE 5 MFRS. SECTION 35, TOWN 3, RANGE 5 MFRS. CITY OF CENTERVILLE, OHIO  
MONTGOMERY COUNTY, OHIO



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Drawing:	08M004-000 RR 01
Drawn by:	S.R.R.
Checked By:	R.L.B.B.
Issue Date:	02-25-08

Sheet:  
**2 OF 2**

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