

ORDINANCE NO. 62-2013

TITLE: VACATION OF WEST TUSCARAWAS ALLEY

AN ORDINANCE AUTHORIZING THE VACATION OF A 50 FOOT BY 16 FOOT SECTION OF THE WEST TUSCARAWAS ALLEY.

WHEREAS, the Barberton Public Library has requested the vacation of a 50’ by 16’ section of the West Tuscarawas Alley because of a safety issue; and

WHEREAS, the Planning Commission unanimously approved the vacation of said section of this alley at a meeting held on March 20, 2013 contingent upon the Barberton Public Library, within twelve (12) months, to: 1) eliminate the curb cut on 6th Street NW; 2) extend the curb 16’ on the 6th Street NW side of the alley; 3) extend the tree lawn 16’ on the 6th Street NW side of the alley; and 4) extend the sidewalk 16’ on the 6th Street NW side of the alley; and

WHEREAS, a Public Hearing was held before Barberton City Council on March 25, 2013; and

WHEREAS, pursuant to Section 723.04 of the Ohio Revised Code, this Council finds that there is good cause for such vacation of said alley, as requested, and that vacation of this alley will not be detrimental to the general interests and that it should be made.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That this Council hereby vacates a 50’ by 16’ section of the West Tuscarawas Alley, between Parcels 01.00602, 01.05049, and 01.05050 contingent upon the completion by the Barberton Public Library, within twelve (12) months, to: 1) eliminate the curb cut on 6th Street NW; 2) extend the curb 16’ on the 6th Street NW side of the alley; 3) extend the tree lawn 16’ on the 6th Street NW side of the alley; and 4) extend the sidewalk 16’ on the 6th Street NW side of the alley.

SECTION 2. If the above conditions have not occurred within twelve months of the effective date of this ordinance, the survey will not be signed by the Planning Director and the President of Council, and the alley will not be vacated and this ordinance shall be repealed by operation of law.

SECTION 3. That the County of Summit requires a vacation plat. This plat, and any other costs associated with this vacation, shall be the responsibility of those receiving the property that is vacated.

SECTION 4. That the Clerk of Council is directed to notify the Auditor of Summit County of the vacation by sending a certified copy of this ordinance upon the satisfaction of the foregoing conditions.

SECTION 5. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 6. That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2013

Clerk of Council

President of Council

Approved _____ 2013

Mayor