

**WITHDRAWN** by petitioner

**ORDINANCE NO.:** 2013-20 (AMENDED NOVEMBER 12, 2013)

**SPONSOR:**

**INTRODUCED:** OCTOBER 08, 2013

**ASSIGNED TO:** PLANNING

**AN ORDINANCE NARROWING THE UNNAMED, UNIMPROVED RIGHT-OF-WAY KNOWN AS TIM DRIVE WHICH ABUTS BERNA ROAD, PURSUANT TO A PETITION, AND DECLARING AN EMERGENCY.**

WHEREAS, Revised Code §723.04 permits a City to narrow a street or alley, upon petition by a person or persons owning a lot in the Municipal Corporation, which abuts the street or alley upon a finding that it will not be detrimental to the general interest; and

WHEREAS, the City received a petition from Sarah M. Schutte, Robert H. Schutte, Jr., and Susan E. Schutte, Green, Ohio, requesting that the unimproved right-of-way, generally known as Tim Drive, Green, Ohio, be narrowed by abandoning the 25 most western feet of the right-of-way; ~~and to Robert H. Schutte, Jr., and Susan E. Schutte with the stipulation that the westerly 25 feet is of sufficient width to allow the construction of a public street with utility access when and if any other improvement is made to the Schutte property and/or the Sarah Schutte property including but not limited to any future subdivision of the Schutte property or the construction of a single family home on the Sarah Schutte property; and~~

WHEREAS, City of Green finds that it is in the best general interest of the City to vacate a portion of the unimproved public right-of-way, generally known as Tim Drive, to Robert H. Schutte, Jr., and Susan E. Schutte pursuant to the Vacation Plat, attached as Exhibit A; and

WHEREAS, pursuant to the requirements of Revised Code §723.07, City of Green published a notice of its intent to abandon a portion of the right-of-way and narrow the right-of-way in the newspaper for general circulation for six (6) consecutive weeks, specifically, The Suburbanite, on a weekly basis from Sunday, October 06, 2013 through Sunday, November 10, 2013; and

WHEREAS, the City has also determined that the remaining portion of the right-of-way will still provide access to all abutting property owners to an improved public street; however, it will require the re-location of a driveway used by the abutting property owners.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:**

**SECTION ONE:**

Green City Council approves the Vacation Plat, attached as Exhibit A, which vacates a portion of the unnamed, unimproved right-of-way, generally known as Tim Drive, Green, Ohio, to Robert H. Schutte, Jr., and Susan E. Schutte. City Council specifically finds and determines that this partial narrowing of the unimproved right-of-way will not be detrimental to the general interest of the residents of the City of Green. The narrowing does not and will not negatively affect the property rights of any other property owner.

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SECTION TWO:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meeting of this Council and any deliberations of this City and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION THREE:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Green. 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: \_\_\_\_\_  
**WITHDRAWN**

\_\_\_\_\_  
Molly Kapeluck, Clerk

\_\_\_\_\_  
David France, Council President

APPROVED: \_\_\_\_\_, 2013

\_\_\_\_\_  
Richard G. Norton, Mayor

COPIED \_\_\_\_\_  
SVCE ZONE PARK ROAD ENG  
LAW (FIN) MAY PLAN FIRE

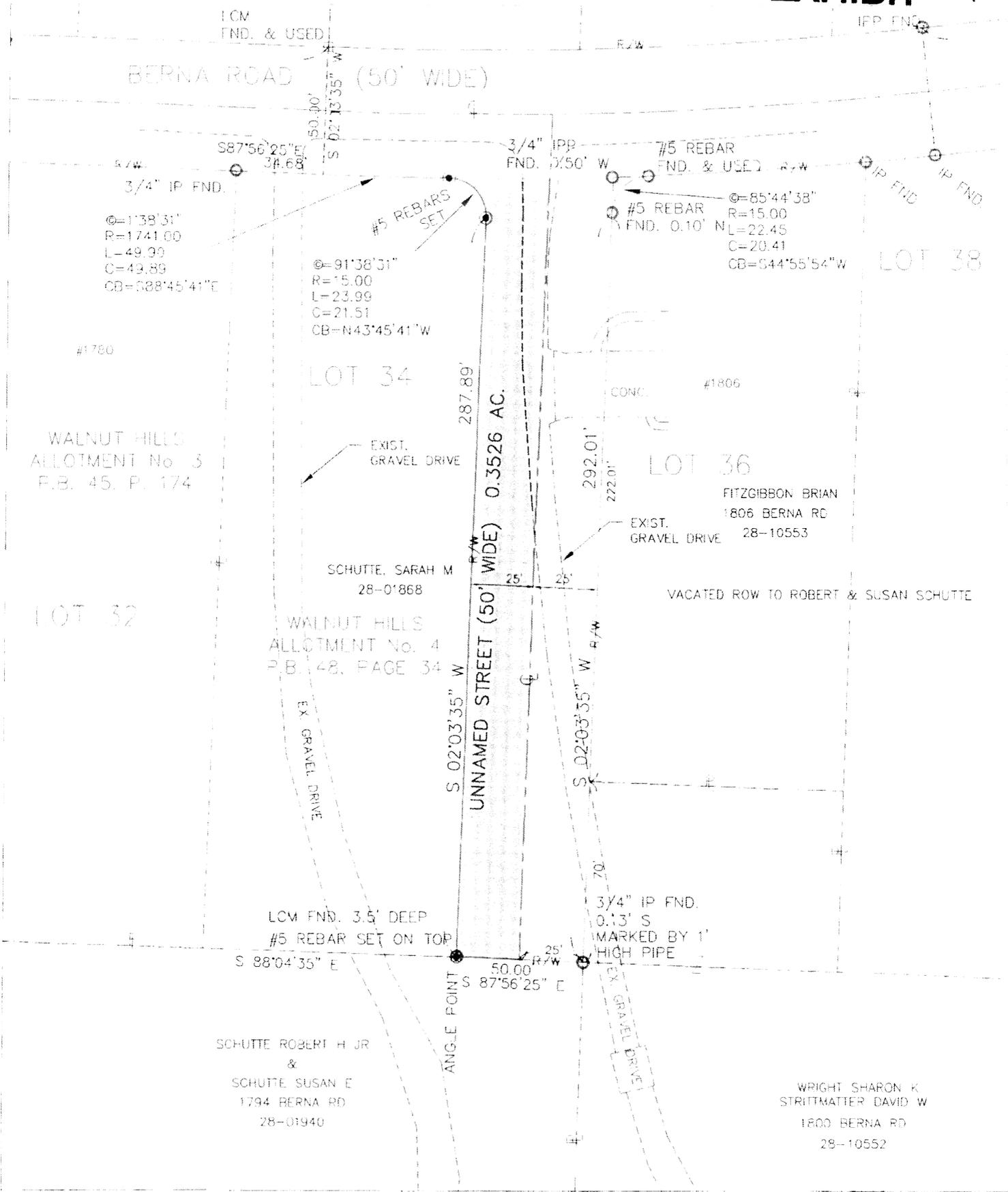
ENACTED EFFECTIVE: \_\_\_\_\_, 2013

ON ROLL CALL:      Colopy                      France                      Humphrey                      Knodel  
                                 Neugebauer                      Reed                      Summerville

Suburbanite publication on December 1 and December 8, 2013

Molly Kapeluck  
Molly Kapeluck, Clerk

11/06/2013 Approved as to form and content by Stephen J. Pruneski, Law Director SPD 10/23/13



UNNAMED STREET (50' WIDE)  
 EAST 25' VACATION  
 ORDINANCE 2013-20

DATE: 10-02-13  
 DRAWN BY: JMW

SCALE: 1" = 50'  
 CHECK BY:

**CITY OF GREEN  
 ENGINEERING DEPARTMENT**  
 P.O. BOX 278, GREEN, OHIO 44232 0278  
 330-896-5510, FAX 330-896-6606

