

**ORDINANCE NO. 219-24**

Introduced by \_\_\_\_\_ Councilor

Seconded by \_\_\_\_\_ Councilor

Form Approved ABG 2/8 Director of Law

PUBLICATION: I hereby certify that this Ordinance was published in a summary manner according to law in the Lima News on \_\_\_\_\_

\_\_\_\_\_  
Dana Addis, Clerk

VOTE	1ST		2ND		3RD	
	Y	N	Y	N	Y	N
GORDON						
WILKERSON						
THOMPSON						
JORDAN						
JONES						
GLENN						
NEEPER						
DIXON						
TOTAL						

**AN ORDINANCE VACATING AN ALLEY BETWEEN S. METCALF STREET AND S. MCDONEL STREET, SOUTH OF W. MARKET STREET.**

**PREAMBLE:** The purpose and authority of and for this ordinance are set forth as follows:

**WHEREAS,** a petition was filed with the Planning Commission to vacate an alley between S. Metcalf Street and S. McDonel Street, south of W. Market Street, more particularly described in attached Exhibit A; and,

**WHEREAS,** on the 28<sup>th</sup> day of August, 2024, the City Planning Commission approved said petition and certified the same to the Council of the City of Lima, Ohio; and,

**WHEREAS,** on the 21<sup>st</sup> day of October, 2024, at 7:00 p.m. a Public Hearing was held by the City Council upon said petition, after due notice of the pendency of such matter was given as required by law; and,

**WHEREAS,** this Council finds there is good cause for such alleyway vacation as prayed for and that the same will not be detrimental to the general public interest and should accordingly be made; and,

**WHEREAS,** Council finds that passage of this ordinance is necessary because of the immediate need for the action authorized herein to meet project or administrative operational deadlines, and in order to preserve the public peace, property, health, safety, and welfare of the community and its citizens, and to provide for the efficient and effective operation of the municipal government, and by reason thereof, this Ordinance constitutes a matter of administrative emergency and shall take effect immediately upon its passage, as set forth in Section 33 of the City Charter; Now, Therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIMA, OHIO, WITH AT LEAST A MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING:**

**Section 1.** The alley between S. Metcalf Street and S. McDonel Street, south of W. Market Street, more particularly described in attached Exhibit A, which is subject to final approval or modification by the Law Director, is hereby vacated, with certain easement rights reserved in the manner as set forth in Ohio Revised Code 723.041 and for any other easement of record or in use at the time of passage of this ordinance.

**Section 2.** The City Engineer is authorized to make said changes on the official maps of the City of Lima, Ohio, on file in the office of the City Engineer, and to cause any appropriate documents to be recorded in the office of the County Recorder.

**Section 3.** The Clerk is directed to send a certified copy of this ordinance to the City Engineer and County Engineer.

**Section 4.** The Law Director is authorized to record the appropriate Alley Vacation Plat in conformity herewith, and all appropriate City officials are hereby authorized to execute same.

**Section 5.** The Auditor is authorized to take any action and to account for the activity authorized herein, as is appropriate under the circumstances of this ordinance and in accordance with City policies and procedures, or as otherwise required by law, as the Auditor may determine is appropriate. The Law Director is authorized to: determine the correct business or corporate entity necessary for any contract authorized in this ordinance; determine the correct legal description for any real property at issue in this ordinance; correct any error in any exhibit to this ordinance; correct any clear scrivener error in this ordinance and to provide a clean copy for the council clerk; all as determined appropriate by the Law Director.

**Section 6.** Council finds and determines that the above preamble contains specific findings by Council as part of and in support of passage of this Ordinance, and that all formal actions of this Council and any of its committees concerning and relating to the adoption of this ordinance were taken in an open meeting and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings held in compliance with the law.

**Section 7.** In passing this ordinance Council hereby intends to and hereby expressly does invoke, assert, implement, and exercise the authority of the City under the Ohio Constitution, its Home Rule authority, and its Charter authority, to the fullest extent possible. To that end, Council hereby finds and declares that the subject matter of this ordinance is a matter of local concern only, and is thereby a matter of local self-government; or if this ordinance is determined to be an exercise of the City's police power that this ordinance is not in conflict with the general laws of the State. Therefore, it is the express intent of Council that the provisions of this ordinance shall prevail over any provisions of state law that might otherwise be applicable. This includes but is not limited to all administrative action regarding all advertising, bidding, contracting, procurement, purchasing, sales, disposition, or other manner or method which was followed or will be followed in dealing with the subject matter of this ordinance. Council hereby approves, authorizes, ratifies, and affirms all methods and procedures taken or followed (or to be taken or followed) leading to the award and execution of any contract, or purchase of goods or services, or any other action taken under authority of this ordinance or otherwise authorized herein, written or oral. Council expressly finds that the action authorized in this ordinance, and the procedures followed in carrying out the

provisions or authorizations of this ordinance, including any leading to the award and execution or implementation of any contract, sale, or purchase, is authorized and passed under authority of the City's Charter, including but not limited to City Charter Sections 1 and 81, and its constitutional home rule authority, and is in the best interests of the City.

**Section 8.** The Clerk of the Council is authorized and directed to cause publication of this ordinance to be made in a summary manner as provided by the City Charter.

**Section 9.** In accordance with City Charter Section 33, this ordinance shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the first reading hereof. If it does not so pass at first reading, it shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the second reading hereof. If it does not so pass at second reading then it shall take effect and be in force forthwith upon passage by an affirmative vote of at least a majority of the members elected to council at the third reading hereof. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2024

\_\_\_\_\_  
Jamie L. Dixon, President

Approved: \_\_\_\_\_, 2024

\_\_\_\_\_  
Sharetta T. Smith, Mayor

ATTEST: \_\_\_\_\_  
Dana Addis, Clerk of Council

***DESCRIPTION:***

**ALLEY VACATION 0.187 ACRE**

Situated as being the 14.00 foot wide alley known as Buckeye Alley between Inlot 3200 and Inlots 3210-3213 of Brices Place as recorded in Plat Book 2, Pages 316-317 of the Allen County Record of Plats, and between Inlots 1531-1534 and Inlots 1523-1527 of Lamisons Addition as recorded in Plat Book 2, Pages 154-155 of the Allen County Record of Plats, and also being the 16.50 foot wide alley known as Buckeye Alley between Inlots 422-423 and Inlots 440-441 of McDons Addition, Plat Book 1, Page 16, Part of the East Half of the Northeast Quarter of Section 36, Town 3 South, Range 6 East, City of Lima, Allen County, Ohio, and more particularly described as follows:

Beginning at a Mag nail set on the West Right-of-way line of McDonel Street and marking the Southeast corner of Inlot 423 and the POINT OF BEGINNING;

Thence South 01°07' 04" West along the West Right-of-way line of McDonel Street a distance of 16.50 feet to a point marking the Northeast corner of Inlot 440 (referenced by a Mag nail found located 0.58 feet North and 1.34 feet East);

Thence North 88°42' 26" West with the North line of Inlots 440, 441 and being the South line of a 16.50 foot wide alley known as Buckeye Alley and continuing along the North line of Inlots 1523, 1524, 1525, 1526, 1527, 3213, 3212, 3211, and 3210 and being the South line of a 14.00 foot wide alley known as Buckeye Alley a distance of 561.10 feet to a point marking the Northwest corner of Inlot 3210 (referenced by a bent 5/8 inch rebar found located 0.30 feet South);

**CONTINUED ALLEY VACATION 0.187 ACRE**

Thence North 00°55' 23" East a distance of 14.00 feet to a point on the South line of Inlot 3200 and being the North line of a 14.00 foot wide alley known as Buckeye Alley;

Thence South 88°42' 26" East with the South line of Inlots 3200, 1531, 1532, 1533, and 1534 and being the North line of a 14.00 foot wide alley known as Buckeye Alley a distance of 444.64 feet to a point marking the Southeast corner of Inlot 1534 (referenced by a 5/8 inch iron pipe found located 0.71 feet North and 0.72 feet West);

Thence North 01°07' 04" East along the East line of Inlot 1534 and being the West line of a 16.50 foot wide alley a distance of 2.50 feet to a 5/8 inch rebar with ID cap set;

Thence South 88°42' 26" East with the South line of Inlots 422 and 423 and being the North line of a 16.50 foot wide alley a distance of 116.50 feet to the POINT OF BEGINNING, said alley vacation containing 0.187 acres of land, more or less.

Subject to all legal highways, easements, and restrictions of use whether apparent and/or of record and is from an actual field survey performed in October, 2024, under the supervision of Ohio Professional Surveyor Gregory A. Bockrath, Ohio Surveyor No. 8306.

Note: The basis of bearings used in this description are the centerline of West Market Street to be North 88 degrees 45 minutes 58 seconds West and are for the purpose of angle determination only.