

**ORDINANCE NO. 141-24**

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

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

Form Approved Anty C G 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						
Vacant Position						
JONES						
GLENN						
NEEPER						
DIXON						
TOTAL						

**AN ORDINANCE VACATING AN ALLEY SEGMENT BETWEEN EAST WAYNE STREET & NORTH STREET.**

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

**WHEREAS,** the Allen County RTA filed a petition with the Planning Commission to vacate an alley segment between East Wayne Street & North Street, more particularly described in attached Exhibit A; and,

**WHEREAS,** on the 23<sup>rd</sup> day of August, 2023, the City Planning Commission approved said petition and certified the same to the Council of the City of Lima, Ohio; and,

**WHEREAS,** on the 2<sup>nd</sup> day of January, 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 segment 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 segment between East Wayne Street and North Street, more particularly described in attached Exhibit A, which is subject to final approval or modification by the Law Director, is hereby vacated, with easement rights reserved for any easement of record or in use at the time of passage of this ordinance; and acknowledgement that maintenance of the catch basins in the alley are now the responsibility of the property owners.

**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

**Alley Vacation**  
**LEGAL DESCRIPTION**

Being a portion of Fischer Alley (16') & Bakers Alley (16.5') in McHenry's Addition to the Town of Lima (P.B. 1, Pg. 19 and renumbered in P.B. 2, Pg. 106 & 107) & Dunn's Subdivision of the South Part of Lots #462 & #463 (P.B. 6, Pg. 57) and being a part of the NW ¼ of Section 31, Town 3 South, Range 7 East, City of Lima, Allen County, Ohio, more particularly described as follows:

Commencing at a Drill Hole set at the NW corner of Lot #482 in said McHenry's Addition to the Town of Lima; thence S 88°-34'-22" E with the N lines of Lots #482 & #483 of said McHenry's Addition to the Town of Lima and the S line of Wayne Street, 100.52' to a Drill Hole set at the NE corner of said Lot #483 and being the POINT OF BEGINNING; thence the following courses:

1. Continuing S 88°-34'-22" E with the S line of Wayne Street, 16.00' to a Drill Hole set at the NW corner of Lot #484 in said McHenry's Addition to the Town of Lima, passing a set Drill Hole at 8.00';
2. S 01°-23'-00" W with the W line of said Lot #484, 200.29' to a Mag Nail set at the SW corner of said Lot #484;
3. S 88°-35'-36" E with the S line of Lots #484 & #485 of said McHenry's Addition to the Town of Lima, 99.99' to a Mag Nail set at the SE corner of said Lot #485 and on the W line of Central Avenue;
4. S 01°-32'-05" W with the W line of Central Avenue, 16.50' to a Mag Nail set at the NE corner of Lot #462 of said McHenry's Addition to the Town of Lima, passing a set Mag Nail at 8.25';
5. N 88°-35'-36" W with the N line of Lots #462 & #463 of McHenry's Addition to the Town of Lima, 99.95' to a Mag Nail set at the NW corner of said Lot #463;
6. S 01°-23'-00" W with the W line of said Lot #463 & the W line of Lot #10598 of said Dunn's Subdivision of the South part of Lots #462 & #463, 200.29' to a Mag Nail set at the SW corner of said Lot #10598 and the N line of North Street;
7. N 88°-36'-51" W with the N line of North Street, 16.00' to a Mag Nail set at the SE corner of Lot #464 of said McHenry's Addition to the Town of Lima, passing a set Mag Nail at 8.00';
8. N 01°-23'-00" E with the E line of said Lots #464 & #483, 417.09' to the POINT OF BEGINNING.

The above described parcel contains 0.191 acres, more or less, subject to all legal highways and easements of record.

The system of bearings for this legal description is based on Ohio State Plane - North Coordinate System NAD83 (2011). This legal description and accompanying plat represent an actual boundary survey completed under the direct supervision of Kyle J. Binkley, P.S. #8587 on March 15, 2024. All markers called for above are in place.