

EXHIBIT A

**ORDINANCE NO. 2-12**

**AN ORDINANCE TO VACATE A PUBLIC RIGHT OF WAY**

WHEREAS, pursuant to Piqua Charter Section 98, the City Commission adopted Resolution No. 134-11 declaring its intent to vacate portions of platted public right of way known as Bassett Avenue and Statler Avenue, as described in Exhibit "A" attached hereto; and

WHEREAS, a notice of the declaration of intent to vacate the subject right of way was served to the abutting property owners and published in the local newspaper; and

WHEREAS, the notice of the declaration of intent stated the time and place at which objections could be presented before the Planning Commission; and

WHEREAS, the Planning Commission met at in open session and took public comment regarding the proposed public right of way vacation; and

WHEREAS, the Planning Commission after hearing the item and considering the public comments received and information provided, recommended approving the vacation of portions of platted public right of way known as Bassett Avenue and Statler Avenue, as described in Exhibit "A" attached hereto; and

WHEREAS, pursuant to Piqua Charter Section 98, vacation of public right of way must be adopted by Ordinance by this Commission;

NOW, THEREFORE, BE IT ORDAINED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: This Commission hereby takes the action necessary to authorize and approve the vacation of portions of platted public right of way known as Bassett Avenue and Statler Avenue, as described in Exhibit "A" attached hereto.

SEC. 2: The City Manager shall cause the affected portion of right of way to be vacated and all appropriate and necessary legal instruments supporting such action to be properly recorded.

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SEC. 3: This Ordinance shall take precedent over all prior Ordinances or Resolutions pertaining to the affected public right of way.

SEC. 4: This Ordinance shall take effect and be in force from and after the earliest period allowed by law

**1<sup>st</sup> Reading – 01-17-2012**

\_\_\_\_\_  
LUCINDA L. FESS, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

REBECCA J. COOL  
CLERK OF COMMISSION



# Commission Agenda Staff Report

<b>MEETING DATE</b>	1/17/2012		
<b>REPORT TITLE</b>	Bassett and Statler Avenue Right of Way Vacation		
<b>SUBMITTED BY</b>	Name & Title: Chris Schmiesing, City Planner		
	Department: Development Department		
<b>MEETING TYPE</b>	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Work Session	<input type="checkbox"/> Special
			<input type="checkbox"/> Retreat
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution
			<input type="checkbox"/> Regular
<b>ORDINANCE/RESOLUTION</b>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading	<input type="checkbox"/> 2 <sup>nd</sup> Reading	<input type="checkbox"/> 3 <sup>rd</sup> Reading
	Ordinance #: 2-12		Resolution #:
<b>APPROVALS/REVIEWS</b>	<input type="checkbox"/> City Manager		<input type="checkbox"/> Asst. City Manager/Finance
	<input type="checkbox"/> Asst. City Manager/Development		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Department Director		<input checked="" type="checkbox"/> Other: Planning Commission
<b>BACKGROUND</b> (Includes description, background, and justification)	<p>The property owners adjacent to the affected right of way have determined that they would prefer the subject right of way be vacated. The petitioners propose to maintain access to and from the affected properties from public right of way and or establish any ingress/egress easement as may be necessary. The Statler Avenue portion of right of way is unimproved and the existing pavement improvements in the Bassett Avenue right of way are in poor condition. There will also be a utility easement maintained over the existing water main in this right of way. The primary land use in this area is light industrial and no further development of this area is anticipated.</p>		
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	0	
	Expenditure \$:	0	
	Source of Funds:	0	
	<b>Narrative:</b>	The City will no longer be obligated to provide maintenance services for this portion of right of way.	
<b>OPTIONS</b> (Include <i>Deny Approval Option</i> )	1.	Approve the Ordinance and allow right of way to be vacated.	
	2.	Defeat the Ordinance and reject the right of way vacation petition.	
	3.		
	4.		
<b>PROJECT TIMELINE</b>	Dec 14 2011 - Planning Commission public hearing (PC recommended approval contingent upon ingress/egress and utility easements being provided)		

	Jan 17, 2012 - City Commission 1 <sup>st</sup> reading of Ordinance Feb 7, 2012 - City Commission 2 <sup>nd</sup> reading of Ordinance Feb 21, 2012 - City Commission 3 <sup>rd</sup> reading of Ordinance
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this item.

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CITY OF PIQUA, OHIO

APPLICATION FOR VACATION OF PUBLIC RIGHT-OF-WAY

- 1. Applicant's Name LARRY & SUE KINNISON Phone # 773-5916  
Applicant's Address 2 KESTREL CT. PIQUA, OH 45356
- 2. Owner's Name LARRY & SUE KINNISON Phone # 773-5916
- 3. Type of legal interest held by applicant WARRANTY DEED D.B. 674-13
- 4. Location of Public Right-Of-Way Vacation request BASSETT AVENUE FROM STATLER AVENUE SOUTH TO TERMINUS AT LOTS 72&B, STATLER AVENUE FROM CENTER LINE OF BASSETT AVENUE WEST TO D.P. & L PROPERTY (FORMERLY RAILROAD RIGHT OF WAY LINE)
- 5. Describe the reason for the requested Vacation of Public Right-Of-Way

THESE PORTIONS OF STATLER AND BASSETT AVENUES ARE NO LONGER REQUIRED FOR PUBLIC ACCESS AND VACATION WOULD BE IN BEST INTEREST OF BOTH THE CITY AND ADJUTING OWNERS.

6. Property owners adjacent to Right-Of-Way to be vacated.

NAME	ADDRESS	SIGNATURE
<u>LARRY &amp; SUE KINNISON</u>	<u>2 KESTREL CT. (Home)</u>	<u>Larry Kinnison Sue Kinnison</u>
<u>JOHN &amp; CAROL GASTON</u>	<u>8075 GRANDVIEW CELINA, OH</u>	<u>John Gaston</u>
<u>CITY OF PIQUA</u>	_____	<u>Carol Gaston</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

\*\*\*\*\*OFFICE USE ONLY\*\*\*\*\*

\$100.00 Fee Paid CWS

Date Fee Paid 10-21-2011

Receipt No. \_\_\_\_\_

Res. No. \_\_\_\_\_

EXHIBIT A

VACATION OF PARTS STATLER AVENUE AND BASSETT AVENUE  
CITY OF PIQUA, MIAMI COUNTY, OHIO

PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
MIAMI COUNTY RECORDER'S RECORD OF PLATS  
RECEIVED FOR RECORD THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_ 20\_\_\_\_ AT \_\_\_\_\_ M.  
FILE # \_\_\_\_\_  
FEE \$ \_\_\_\_\_

MIAMI COUNTY RECORDER BY DEPUTY RECORDER

MIAMI COUNTY AUDITOR  
APPROVED AND TRANSFERRED \_\_\_\_\_ 20\_\_\_\_

MIAMI COUNTY AUDITOR BY DEPUTY AUDITOR

CITY OF PIQUA, PLANNING COMMISSION  
ACCEPTED AND APPROVED BY THE PLANNING COMMISSION  
OF THE CITY OF PIQUA, OHIO  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

CHAIRMAN \_\_\_\_\_ SECRETARY \_\_\_\_\_

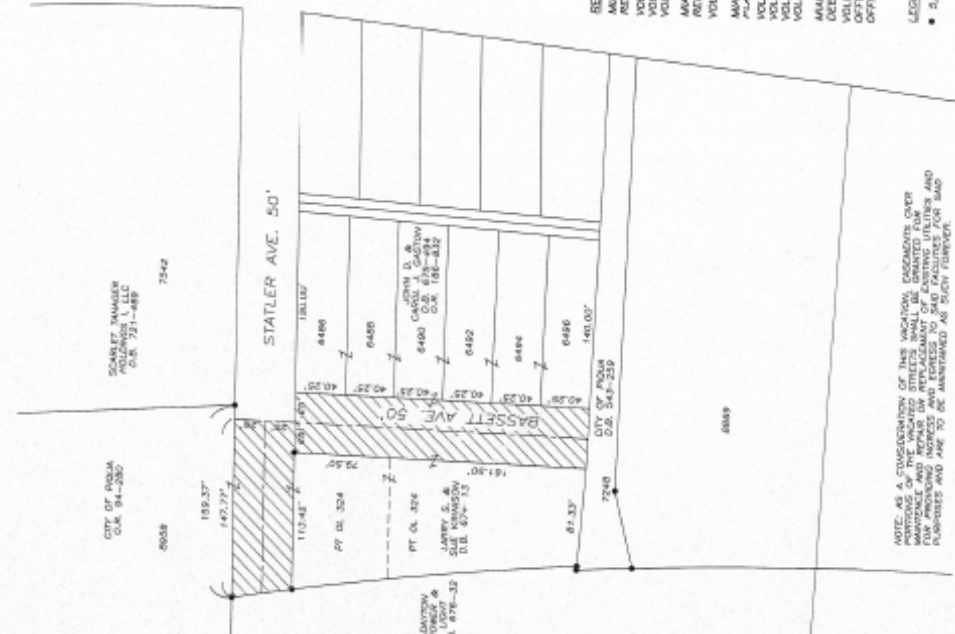
CITY OF PIQUA, COMMISSIONERS  
ACCEPTED AND APPROVED BY THE COMMISSIONERS OF  
THE CITY OF PIQUA, OHIO  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
ORDINANCE # \_\_\_\_\_

MAYOR \_\_\_\_\_ CLERK \_\_\_\_\_

REFERENCES  
MIAMI COUNTY ENGINEER'S  
RECORDS OF LOT SURVEYS:  
VOLUME 15, PAGE 17  
VOLUME 16, PAGE 82  
MIAMI COUNTY ENGINEER'S  
RECORDS OF LAND SURVEYS:  
VOLUME 82, PAGE 184  
MIAMI COUNTY RECORDER'S  
PLAT INCLUDES:  
VOLUME 13, PAGE 176  
VOLUME 13, PAGE 148  
VOLUME 14, PAGE 13  
VOLUME 21, PAGE 36  
MIAMI COUNTY RECORDER'S  
RECORDS:  
OFFICIAL RECORD 94, PAGE 280  
OFFICIAL RECORD 106, PAGE 832



LEGEND  
• 5/8" IRON PIN FOUND



NOTE: AS A PRECAUTION OF THIS VACATION, ENCLOSURES OVER  
PORTIONS OF THE VACATED PORTIONS OF STATLER AVENUE AND  
BASSETT AVENUE WILL BE MAINTAINED AND REPAIR OR REPLACEMENT OF DAMAGED CURB  
AND SIDEWALKS WILL BE MADE AT THE DISCRETION OF THE CITY OF PIQUA AND  
CONTRACTORS WILL BE REQUIRED TO MAINTAIN ACCESS TO SAID FACILITIES FOR SAID  
PURPOSES AND ARE TO BE MAINTAINED AS SUCH FOREVER.