

**ORDINANCE NO. 5, 2018**

**AN ORDINANCE APPROVING THE VACATION OF A  
PORTION OF JACKSON AVENUE PURSUANT TO R.C.  
723.05, AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to the provision of R.C. 723.05, when the Village determines there is good cause to vacate a street or alley and that such vacation will not be detrimental to the general interest it may do so by Ordinance; and

**WHEREAS**, the Board of Education St. Bernard-Elmwood Place City School District is undertaking a school building project in the vicinity of Jackson Avenue; and

**WHEREAS**, the Village finds and determines that the school building project constitutes good cause for the vacation of the portion of Jackson Avenue more fully described in the legal description and plat attached hereto as Exhibits A, B, C & D respectively, and

**WHEREAS**, the Village further finds that vacation of this portion of Jackson Avenue will not be detrimental to the public interest; and

**WHEREAS**, prior to approving any such vacation, the Village must provide notice of its intent in a newspaper of general circulation for six consecutive weeks unless the Village receives written consent from all property owners abutting the portion of Jackson Avenue to be vacated; and

**WHEREAS**, the Village has received written consent from the Board of Education St. Bernard-Elmwood Place City School District, which is the only owner abutting this portion of Jackson Avenue; now therefore

**BE IT ORDAINED BY THE VILLAGE OF ST. BERNARD, STATE OF OHIO:**

**Section 1.** That the Village hereby finds and determines that good cause exist for the vacation of the portion of Jackson Avenue as more fully described in Exhibits A, B, C & D attached hereto. The Village further finds that such vacation shall not be detrimental to the general interest.

**Section 2.** That the Village hereby approves the vacation of Jackson Avenue more fully described and shown in the legal description and plat attached hereto as Exhibits A, B, C & D. Pursuant to R.C. 723.05, the Village hereby authorizes the filing of a certified copy of this ordinance with the Hamilton County Recorder as required by law. The Village hereby authorized the Building, Development & Planning Director to forward a certified copy of this ordinance to the Board of Education of the St. Bernard-Elmwood Place City School District for that purpose.

**Section 3.** That it is hereby certified that all formal actions of the Council of the Village of St. Bernard relating to adoption of this ordinance were taken in an open meeting of the Council of the Village of St. Bernard and that all deliberations of this Council were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 4.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety. The reason for the emergency is the immediate need to vacate the portion of Jackson Avenue to begin the building project. Therefore, this Ordinance shall take effect immediately by and upon its passage, and the approval of two-thirds of the members of said Council. However, this Ordinance shall take effect on the earliest date provided by law if approved by no more than a majority of the members of Council and in that event the emergency provisions herein are set at naught.