

ORDINANCE NO. 31, 2018

AN ORDINANCE APPROVING THE VACATION OF A PORTION OF ANDREW 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;

WHEREAS, the St. Bernard Community Improvement Corporation is undertaking a development project in the vicinity of Andrew Avenue; and

WHEREAS, the Village finds and determines that the development project constitutes good cause for the vacation of the portion of Andrew Avenue more fully shown on the plat attached hereto as Exhibit "A"; and

WHEREAS, the Village further finds that vacation of this portion of Andrew 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 Andrew Avenue to be vacated; and

WHEREAS, The Village has received written consent from the St. Bernard Community Improvement Corporation, which is the only owner abutting this portion of Andrew Avenue; now therefore

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

Section 1. That the Village hereby finds and determines that good cause exists for the vacation of the portion of Andrew Avenue as more fully described in as Exhibit "A". The Village finds further finds that such vacation shall not be detrimental to the general interest.

Section 2. That the Village hereby approves the vacation of Andrew Avenue more fully shown on the plat attached here to as Exhibit "A". 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 authorizes the Building, Development, & Planning Director to forward a certified copy of this ordinance to the St. Bernard Community Improvement Corporation 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 shall be and 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 Andrew Avenue to begin the development 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 if approved by no more than the majority of the members of Council and in that event, law sets the emergency provisions herein at naught.

Passed this 13th day of September, 2018.

 ORIGINAL

Steve Asbach

President of Council

ATTEST:

M. Sue Kathman

Clerk of Council

Approved this ____ day of September, 2018.

John Estep

Mayor

I, M. SUE KATHMAN, CLERK OF COUNCIL, VILLAGE OF ST. BERNARD, STATE OF OHIO, DO HEREBY testify that the publication of Ordinance No. ____, 2018, was made by posting true copies of the same in the most public places designated by Council: St. Bernard Square Bus Stop; Vine Street and Washington Avenue; Bertus Street Park; Greenlee Avenue and Johnson Alley; Park on Heger Drive; each for a period of fifteen (15) days or more commencing 9.13, 2018.

ATTEST:

M. Sue Kathman

Clerk of Council

DATE

9.13.18

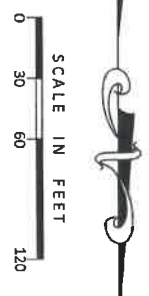
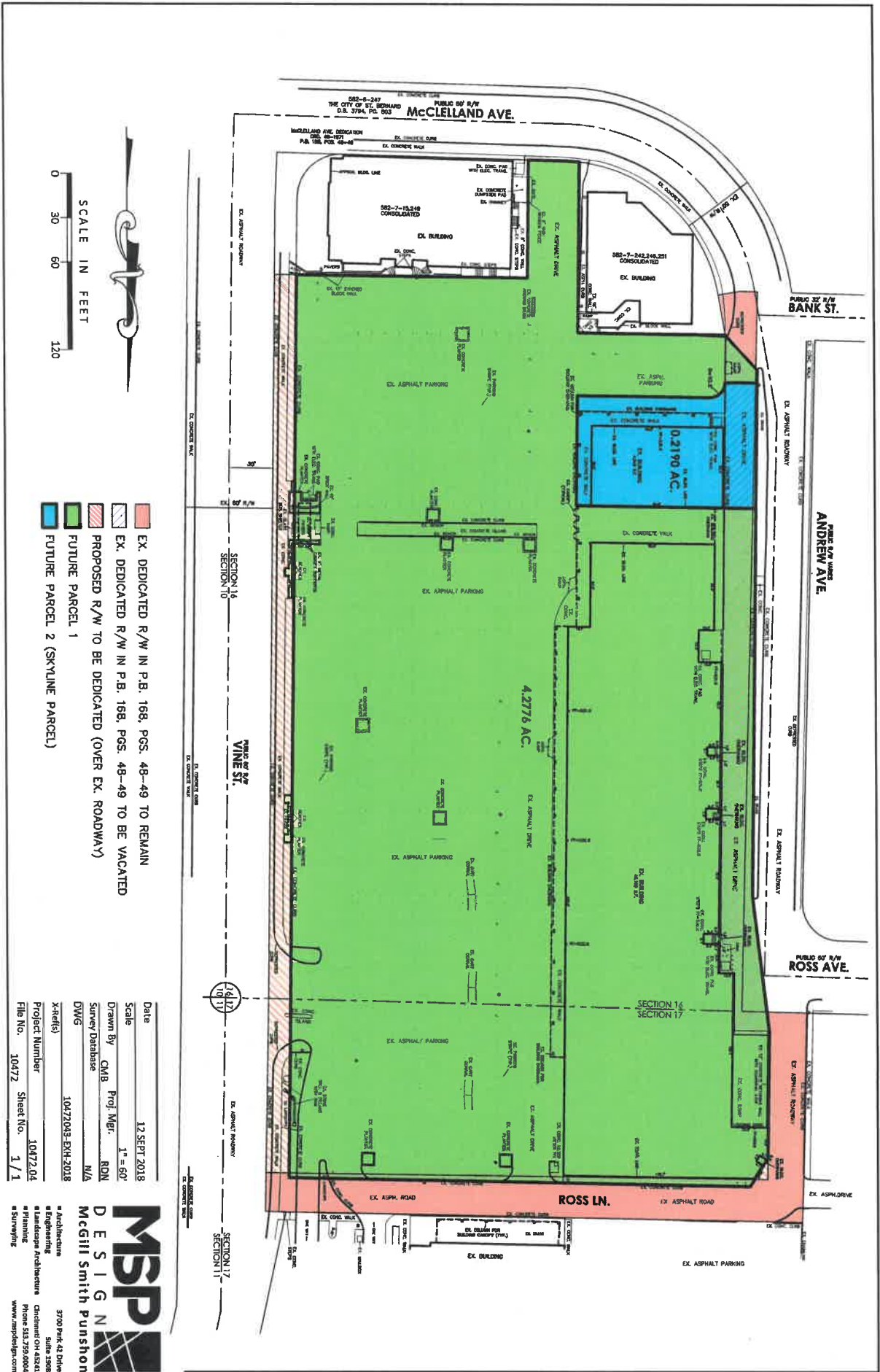
Approved as to form

Michael A. Pelch

Director of Law

Date

9.13.18



- EX. DEDICATED R/W IN P.B. 168, PGS. 48-49 TO REMAIN
- EX. DEDICATED R/W IN P.B. 168, PGS. 48-49 TO BE VACATED
- PROPOSED R/W TO BE DEDICATED (OVER EX. ROADWAY)
- FUTURE PARCEL 1
- FUTURE PARCEL 2 (SKYLINE PARCEL)

Date	12 SEPT 2018
Scale	1" = 60'
Drawn By	Prof. Mgr.
Survey Database	RDN
DWG	N/A
Xref(s)	10472043-EXH-2018
Project Number	10472.04
File No.	10472
Sheet No.	1 / 1

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