

AN ORDINANCE GIVING NOTICE OF THE INTENTION OF THE COUNCIL OF THE CITY OF STOW, OHIO TO VACATE THE GILBERT LANE RIGHT-OF-WAY, IN THE CITY OF STOW, AND DECLARING AN EMERGENCY.

WHEREAS, Section 723.04, et seq., O.R.C., requires this Council to give its notice of intention to vacate public streets; and

WHEREAS, such notice must be both posted and published for six (6) consecutive weeks and final action thereupon must be taken within three (3) months after the completion of such notices; and

WHEREAS, the Planning Commission has recommended approval of the proposed vacation at its regular meeting of November 15, 2016;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO, WITH AT LEAST TWO-THIRDS OF SAID MEMBERS ELECTED OR APPOINTED THERETO CONCURRING:

SECTION 1. Pursuant to Section 723.04 et seq., Ohio Revised Code, this Council being satisfied that there is good cause for such interest and that it should be made, hereby gives notice of its intention to vacate the following public street, or portions thereof, in the City of Stow, retaining, however, easement for public utilities therein:

Gilbert Lane west of Gilbert Road.

SECTION 2. Notice of pendency and prayer of the action of this City Council shall be given by posting at the six (6) posting places designated by this City Council as official posting places, and shall be given by publishing such notice for at least six (6) consecutive weeks in the Stow Sentry.

SECTION 3. That this Council shall take action upon such notice to vacate the street referred to in Section 1 hereof within three (3) months after the completion of such publication.


SECTION 4. That such vacation shall not effect the right to construct, keep or maintain public utilities within said right-of-way without further notice or permission of any abutting property owner to the end that the City shall maintain a permanent and perpetual easement for such purposes within the vacated right-of-way, subject to the Engineering Department's approval of the utility easement description.

SECTION 5. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 6. That this Ordinance was adopted pursuant to Section 4.11 Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason that applicant wishes to effectuate the vacation as soon as possible, and, pursuant to Section 4.13, Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL 1/26/17

ATTEST


Bonnie J. Emahiser
CLERK OF COUNCIL

FILED WITH MAYOR 1/27/17

FILED WITH CLERK 1/27/17

APPROVED AS TO FORM


Amber K. Zibritosky
LAW DIRECTOR


Matt Riehl
VICE PRESIDENT OF COUNCIL

APPROVED 
Sara Kline
MAYOR

EFFECTIVE DATE 1/27/17