

ORDINANCE NO.: 2019-09
SPONSOR: MAYOR NEUGEBAUER
INTRODUCED: APRIL 9, 2019 **ASSIGNED TO:** _____

AN ORDINANCE VACATING A PORTION OF FORTUNA DRIVE, AND DECLARING AN EMERGENCY.

WHEREAS, Revised Code §723.05 permits a City to vacate a street or alley, upon a finding by the legislative authority that such vacation will not be detrimental to the general interest; and

WHEREAS, at its regularly scheduled meeting on March 20, 2019, the City of Green Planning and Zoning Commission made a favorable recommendation of the plat to vacate a portion of Fortuna Drive by a vote of 5 - 0; and

WHEREAS, in exchange for the area to be vacated, the City of Green will enter into a Development Agreement to ensure that sufficient right-of-way is acquired by the City if needed for future intersection improvements, a copy of which is attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, the vacated portion of Fortuna Drive will revert to the abutting property and facilitate the development of an automobile sales and service facility project, which was reviewed by the Planning & Zoning Commission at the March 20, 2019 meeting; and

WHEREAS, an existing 12' wide utility easement will remain as originally platted; and

WHEREAS, the Planning & Zoning Commission filed with the Clerk of Council a copy of the proposed plat to vacate a portion of Fortuna Drive, a copy of the Vacation Plat is attached hereto and incorporated herein as Exhibit "B"; and

WHEREAS, the vacation of this roadway will not landlock the abutting property, which will maintain access through a public right-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

Green City Council approves the Vacation Plat. Green City Council specifically finds and determines that the vacation of a portion of Fortuna Drive will not be detrimental to the general interest of the City of Green.

SECTION TWO:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meeting of this Council and any deliberations of this City and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION THREE:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: _____

Molly Kapeluck, Clerk of Council

Bob Young, Council President

APPROVED: _____, 2019

Gerard M. Neugebauer, Mayor

ON ROLL CALL: Babbitt Dyer Humphrey Shaughnessy
 Speight Yeargin Young

Suburbanite publication on _____ and _____

Molly Kapeluck, Clerk of Council

04/04/2019 Approved as to form and content by William Chris, Interim Director of Law _____