

201800010975
Filed for Record in
TUSCARAWAS COUNTY, OH
LORI L SMITH, RECORDER
11-06-2018 At 10:06 am.
VACAT DESCR 44.00
OR Volume 1571 Page 111 - 114

TRANSFERRED
TRANSFER FEE 50
CONVEYANCE EXAMINED
SEC. 319-202 R.C. COMPLIED WITH

NOV 06 2018

AMT
LARRY LINDBERG
Tuscarawas County Auditor



ORDINANCE NO. 4-18

AN ORDINANCE VACATING PART OF A CERTAIN STREET BETWEEN LOTS
2028 AND 2032 IN THE CITY OF UHRICHSVILLE OHIO

Whereas, the Council of City of Uhrichsville, Ohio has received a petition from residents adjoining a street, Gardner Avenue running between Uhrichsville Parcel Number 41-02642-001 and 41-02642-002 requesting that the City of Uhrichsville vacate the right-of-way running East and West from Elm Street. A copy of the Street Vacation Survey is hereby attached along with a legal description.

Whereas, the Council of the City of Uhrichsville, Ohio, after such review, has determined that there is currently a need to consider such request as contained in a petition by adjoining lot owners.

Be it Ordained by the Council of the City of Uhrichsville Ohio as follows:

Section 1. The Council of the City of Uhrichsville, Ohio finds that the petition signed by William Walsh, Member of Trimerge Futures LLC, being an owner or successor owners of property abutting the street, have petitioned Council, praying that the right-of-way in relation to their properties, being between Parcel Number 41-02642-001 and 41-02642-002, be vacated.

Section 2. The Council of the City of Uhrichsville further finds that there is good cause for such vacation of said right-of-way as prayed for, that such vacation of right-of-way will not be detrimental to the general interest of the City of Uhrichsville and residents, and that such vacation ought to be made.

Section 3. The right-of-way which is now between Parcel Number 41-02642-001 and 41-02642-002 in relation to the parcels on the individuals denoted Section 1, here above, is hereby vacated as evidence by the attached legal description.


Section 4. Trimerge Futures, its successors and assigns is responsible to relocate any and all public utilities and right of ways utilizing the street at its own expense. Any required easements will be prepared by counsel for the Applicant.

Section 5. The Clerk of Council is directed to notify the Tuscarawas County Ohio Map Office of the extinguishment of such right-of-way. Any resulting plat should be recorded in the

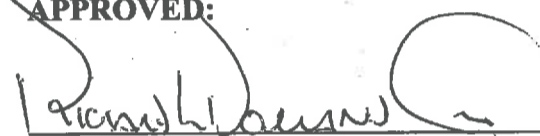
Office of the Recorder of Tuscarawas County at the expense of the property owners as listed here above, cost assessed to the deposit of \$200.00, excess assessed to Trimerge Futures.

Section 6. This Ordinance is hereby declared an emergency for the health, safety and welfare of the Residents of the City of Uhrichsville.

PASSED this 22nd day of March 2018.



MARK HANEY, PRESIDENT OF COUNCIL

APPROVED:


RICHARD DORLAND, MAYOR

ATTEST:



TRISHA D. ADDISON, COUNCIL CLERK

Since 1972

Bair, Goodie and Associates, Inc.

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January 29, 2018

DESCRIPTION OF A 0.195 OF AN ACRE STREET VACATION

Situated in the City of Uhrichsville, County of Tuscarawas and State of Ohio.

Being a part of Gardner Avenue located in the Congleton – Becker Allotment as found in Plat Book 8, Page 33 of the Tuscarawas County Plat Records and being more fully described as follows:

COMMENCING at a 5/8-inch rebar (found) marking the northeast corner of Lot 2074 (formerly known as Lot 48 in the Morris Subdivision (Plat Book 9, Page 19));

THENCE South 89 deg. 06 min. 58 sec. East, 305.75 feet along the north line of said Morris Subdivision to a point of the west low water mark of Big Stillwater Creek, witnessed by an iron pin (set) North 89 deg. 06 min. 58 sec. West, 21.90 feet;

THENCE North 22 deg. 32 min. 05 sec. West, 216.93 feet along the west low water mark of Big Stillwater Creek to a point;

THENCE North 24 deg. 37 min. 00 sec. West, 87.90 feet along the west low water mark of Big Stillwater Creek to a point, the POINT OF BEGINNING, witnessed by an iron pin (set) North 89 deg. 06 min. 58 sec. West, 30.00 feet;

THENCE from said beginning point North 89 deg. 06 min. 58 sec. West, 181.68 feet along the north line of Lot 2032 (formerly known as Lot 66 of said Congleton – Becker Allotment) to an iron pin (set);

THENCE North 00 deg. 53 min. 06 sec. East, 50.00 feet through Gardner Avenue to an iron pin (set) on the south line of Lot 2028 (formerly known as Lot 62 in said Congleton – Becker Allotment);

THENCE South 89 deg. 06 min. 58 sec. East, 157.83 feet along the south line of said Lot 2028 to a point on the west low water mark of Big Stillwater Creek, witnessed by an iron pin (set) North 89 deg. 06 min. 58 sec. West, 30.00 feet;

THENCE South 24 deg. 37 min. 00 sec. East, 55.40 feet to the POINT OF BEGINNING, containing 0.195 of an acre, more or less, but subject to all legal highways, right-of-ways and easements.

This 0.195 of an acre tract is to be subject to a flow easement for the purposes of discharging surface and subsurface water from the adjoining lands to the west into Big Stillwater Creek.

Bearings are oriented to the north line of Official Record Volume 1448, Page 2535. Iron pins indicated (set) are a 5/8-inch iron bar (30-inches in length) with a yellow plastic cap stamped "Bair & Goodie." Date of Survey: January 2018. Plat and description prepared by Eric R. Zaugg, Professional Surveyor No. 8309.

Vacated street to be assigned to parcel 41-02642-001.

ERZ

Eric R. Zaugg, Professional Surveyor No. 8309.



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