

AN ORDINANCE VACATING A PORTION OF THE RIGHT-OF-WAY FRONTING MORSE ROAD AND ACCEPTING THE DEDICATION OF THE RIGHT-OF-WAY FRONTING A PORTION OF CLINTON STREET; AND DECLARING AN EMERGENCY.

WHEREAS, the right-of-way fronting Morse Road and adjacent to the Parcel is a dedicated public right-of-way, constituting approximately 1,229 square feet, located within the City of Hudson and owned by the City (the “City Land”); and

WHEREAS, JMS Property Group, Ltd. (“Owner”) is the owner of Permanent Parcel No. 32-02053 (44 Clinton Street) (the “Parcel”) and the Owner desires to dedicate to the City of Hudson as public right-of-way approximately 1,938 square feet of the Parcel that fronts Clinton Street (the “Owner Land”); and

WHEREAS, with the completion of both the vacation and dedication contemplated herein, the City will be able to straighten out the existing right-of-way and sidewalk on Clinton Street to match the existing right-of-way on Clinton Street; and

WHEREAS, additionally, as part of the vacation and dedication contemplated herein, the Owner has agreed to grant to the City of Hudson a utility easement in the City Land; and

WHEREAS, the Owner has filed an application with the City which requests the above described rights-of-way be simultaneously vacated and dedicated as part of a replat of the Parcel; and

WHEREAS, this Council wishes to accept dedication of the Owner Land for public use as provided in Section 1208.02 of the City’s Codified Ordinances; and

WHEREAS, this Council wishes to vacate the City Land as provided in Section 1208.03 of the City’s Codified Ordinances; and

WHEREAS, the Planning Commission has recommended approval of the vacation of the City Land and the dedication of the Owner Land and this Council further deems this vacation and dedication to be for good cause based upon the need to provide consistency in the right-of-way on Clinton Street and with the condition for the vacation approved by Council herein;

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1: Pursuant to Section 1208.03 of the City’s Codified Ordinances, the right-of-way fronting Morse Road and adjacent to Permanent Parcel No. 32-02053 is hereby vacated.

Section 2: The vacation of the right-of-way set forth in Section 1 of this Ordinance is subject to the following condition being satisfied:

- (a) The replat shall provide information describing the proposed terms or rights associated with the proposed utility easement that will be granted to the City and shall be to the satisfaction of the City Engineer.

Section 3: Pursuant to Section 1208.02 of the City's Codified Ordinances, the City Manager is authorized to cause the acceptance of dedication of the Owner Land to be recorded in the Summit County Records.

Section 4: The City Manager is authorized and directed to execute such documents as are necessary to accomplish the vacation and dedication of the aforementioned areas.

Section 5: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health and welfare and for the further reason that it is immediately necessary in order for the City to prepare for improvement and maintenance obligations for the new public land; wherefore, this Resolution shall be in effect immediately upon its passage provided it receives the affirmative vote of five (5) members of Council except that six (6) affirmative votes shall be required if all members are present; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: December 18, 2018

David A. Basil, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance No. 18-195 was duly passed by the Council of said Municipality on January ____, 2019.

Elizabeth Slagle, Clerk of Council

First Reading: December 18, 2018