

## **AN ORDINANCE VACATING THE ALLEY – BESSEMER COURT**

**WHEREAS**, Brewster Cheese of 800 Wabash Avenue S petitioned Brewster Village Council to vacate the portion of Bessemer Court running north and south located abutting Village Lots 703 through 712 on its west border and abutting Village Lots 772 through 763 on its east border, and between Seventh Street SW and Needham Street SE on this portion Bessemer Court on its north and south terminus, respectively; and

**WHEREAS**, as directed in ORC Section 713.02, the petition from Brewster Cheese was forwarded to the Brewster Planning Commission for their review, consideration, and recommendation; and

**WHEREAS**, on March 16, 2017 the Brewster Planning Commission reviewed the request and unanimously recommended to Brewster Village Council that this portion of Bessemer Court be vacated.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BREWSTER, THAT:**

**SECTION 1:** Brewster Village Council is in agreement with the Brewster Village Planning Commission that per the Brewster Cheese petition that the above stated portion of Bessemer Court shall be vacated.

**SECTION 2:** Brewster Village Council further finds that the alley in question is not needed for use as a public roadway or other public purposes, and that there is good cause for vacation of said alley as requested, and that the vacation will not be detrimental to the general interest of the public.

**SECTION 3:** The aforementioned portion of Bessemer Court running north and south abutting Village Lots 703 through 712 on its west border and abutting Village Lots 772 through 763 on its east border, and between Seventh Street SW and Needham Street SE on this portion Bessemer Court on its north and south terminus, respectively, shall be vacated on the condition that the Village Administrator shall insure that any easements that may be necessary for current or future construction, maintenance, and operation of various public utilities be included.

**SECTION 4:** That in accordance with Village Ordinance 15-2004 the Village Policy for Vacation of Alley and Street, the Village Administrator has collected from the Petitioner a \$ 1000 refundable deposit to cover any expenses for surveying, deed preparation, recording, and any legal procedures to be incurred by the Village. Any unused portion of the \$ 1000 shall be refunded. The Petitioner shall be expected to pay any excess costs above \$ 1000, and the vacation of Bessemer Court will not be finalized or recorded with Stark County, Ohio until all costs are reimbursed by the Petitioner.

**SECTION 5:** The Village Administrator is directed to have a Vacation Plat prepared by a licensed surveyor vacating the above cited portion of Bessemer Court and assigning new Lot numbers, where applicable.

**SECTION 6:** The Village Administrator acting as Village Platting Commissioner is directed to review the prepared Vacation Plat and upon its acceptance, to endorse upon the Plat the action of this Village Council of vacating said portion of Bessemer Court, and to cause said Plat to be recorded with the Recorder of Stark County, Ohio

**SECTION 7:** The Village Administrator is further directed that upon completion of the above, that the Auditor of Stark County, Ohio shall be notified of the vacation, and provided with any appropriate documentation of same.

**SECTION 8:** This ordinance shall be in full force and effect at the earliest date provided by law.

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Mayor Michael E. Schwab

ATTEST:

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Village Clerk Treasurer K. Kris King

CERTIFICATE

I, K. Kris King, hereby certify that the above is a true copy of an ordinance passed at a regular meeting of the Brewster Village Council held on May 1, 2017

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Clerk K. Kris King

I, K. Kris King, Clerk of the Council of the Village of Brewster, State of Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by Council as follows: Office of Brewster Utilities, Belloni's IGA, Brewster Federal Credit Union, Post Office and Brewster Laundromat.

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Clerk K. Kris King