

ORDINANCE 2019-13

AN ORDINANCE VACATING A CERTAIN DEDICATED, UNIMPROVED STREET, SIXTY FEET (60') IN WIDTH, KNOWN AS CROSSINGS WAY COURT, LOCATED IN THE VILLAGE OF SWANTON, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the Council (the "Council") of the Village of Swanton (the "Village") has received a petition (the "Petition") to vacate a certain dedicated, unimproved street, sixty feet (60') in width, known as Crossings Way Court (the "Street") and associated easements located within the Village filed by R & D Development Company, an Ohio general partnership, and Swan Creek Crossing L.P., an Ohio limited partnership (the "Petitioners"), being the respective owner and purchaser of all the lots abutting upon the Street sought to be vacated and which Street is more particularly described and depicted on the Plat of Crossings Way Subdivision, recorded in Plat Book 1, page 142 (Plat Cabinet A, Slide 142), Fulton County Records (the "Original Plat"), attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the Street is located on the west side of Munson Road (County Road 2), approximately sixty feet in width, running east and west, for a distance of approximately five hundred fifty four and twenty-four hundredths feet (554.24'), and ending in a cul-de-sac with a radius of approximately sixty feet (60'), which is more particularly described as follows:

A dedicated, unimproved street located in the Village of Swanton, Ohio, lying west of Munson Road (County Road 2), running east and west, and adjoining and abutting Lots 1 through 16, inclusive, of the Crossings Way Subdivision as shown on the Plat of Crossings Way Subdivision, of record in Plat Cabinet A, Slide 142, Fulton County Records.

WHEREAS, no notice of Council's intention is necessary to vacate said Street pursuant to R.C. § 723.06, for the reason that Petitioners are the respective owner and purchaser of all the lots which abut said Street, and Petitioners consent to the vacation of said Street as requested in their Petition.

WHEREAS, a dedicated, unimproved, fifteen feet (15') in width, storm drainage easement (the "15' Storm Drainage Easement"), runs along and within the eastern property lines of Lot 1 and Lot 2 of the Crossings Way Subdivision and along and within the southern property lines of Lot 1, Lot 6, Lot 7, Lot 8, Lot 9 and Lot 10 of the Crossings Way Subdivision, as more particularly described and depicted on the Original Plat.

WHEREAS, a dedicated, unimproved, forty feet (40') in width, storm drainage easement (the "40' Storm Drainage Easement"), runs along and within the northern property lines of Lot 2, Lot 3, Lot 4, Lot 5, Lot 16, Lot 15, and Lot 14 of the Crossings Way Subdivision, as more particularly described on the Original Plat.

WHEREAS, a dedicated, unimproved, twenty feet by twenty feet (20' x 20'), sanitary sewer pump station easement (the "20' x 20' Sanitary Sewer Pump Station Easement" together with the 15' Storm Drainage Easement and the 40' Storm Drainage Easement, the "Easements"), lies within, over, under, and upon Lot 3 of the Crossings Way Subdivision, as more particularly described on the Original Plat.

NOW, THEREFORE, be it resolved by the Council of the Village, a majority vote of two-thirds of the members elected thereto concurring herein:

Section 1: Council finds and determines that the vacation of the Street and associated Easements described in the Petition and this Ordinance will not be detrimental to the general interest, that good cause exist for the vacation of said Street and Easements, and that the vacation of said Street and Easements should be made.

Section 2: Council finds and determines that because there are no other abutting property owners to the Street other than the Petitioners, and because the Petitioners has consented to the vacation of the Street in the Petition, notice of the Council's intention to vacate the Street is not required to be given pursuant to the provisions of R.C. § 723.06.

Section 3: The Street and associated Easements as described above in this Ordinance shall be and hereby are vacated.

Section 4: The Fiscal Officer is respectfully directed to cause a certified copy of this Ordinance to be recorded in the Office of the Recorder of Fulton County, Ohio and properly indexed therein and to further cause a certified copy of this Ordinance to be filed in the Office of the Auditor of Fulton County, Ohio.

Section 5: This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and welfare of said Village. This Ordinance shall go into immediate effect.

Motion to Suspend the Rules and Declare an Emergency

Moved: Kreuz      Second: Pilliod      YEAS: 5      NAYS: 0

Vote on Passage

Moved: Rochelle      Second: Westhoven      YEAS: 5      NAYS: 0

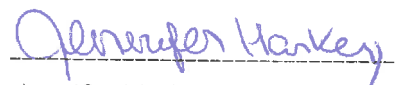
Date of Passage: March 25, 2019



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Ann Roth, Mayor

Attest:

I, Jennifer Harkey, Fiscal Officer of the Village of Swanton, do hereby certify that this is a true and accurate copy of Ordinance 2019-13, passed on March 25, 2019



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Jennifer Harkey, Fiscal Officer



PLAT OF CROSSINGS WAY SUBDIVISION

BEING A PARCEL OF LAND IN PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 11, TOWN 7 NORTH, RANGE 8 EAST, SWAN CREEK TOWNSHIP, FULTON COUNTY, OHIO

APPROVED BY THE PLANNING COMMISSION OF SWANTON, OHIO  
ON THIS 19th DAY OF February 1955  
CHAIRMAN  
Randy D. Miffert

THE PLANNING COMMISSION OF SWANTON, OHIO

THIS PLAT IS APPROVED BY THE VILLAGE PLANNING COMMISSION OF SWANTON, OHIO ON THIS 19th DAY OF February 1955

OFFICE OF THE VILLAGE ADMINISTRATOR OF SWANTON, OHIO  
Village Administrator

THE WATER AND SEWER COMMISSION OF SWANTON, OHIO

THIS PLAT IS APPROVED BY THE VILLAGE WATER AND SEWER COMMISSION OF SWANTON, OHIO ON THIS 19th DAY OF February 1955

OFFICE OF THE VILLAGE ADMINISTRATOR OF SWANTON, OHIO  
Village Administrator

THE WATER AND SEWER COMMISSION OF SWANTON, OHIO

THIS PLAT IS APPROVED BY THE VILLAGE WATER AND SEWER COMMISSION OF SWANTON, OHIO ON THIS 19th DAY OF February 1955

OFFICE OF THE VILLAGE ADMINISTRATOR OF SWANTON, OHIO  
Village Administrator

OFFICE OF FULTON COUNTY AUDITOR

THIS PLAT WAS SUBMITTED FOR APPRAISEMENT AND IS HEREBY TRANSFERRED ON THIS 20th DAY OF February 1955

FULTON COUNTY AUDITOR

OFFICE OF FULTON COUNTY RECORDER

THIS PLAT WAS FILED FOR RECORD ON THIS 20th DAY OF February 1955 AT 11:31 A.M. RECORDED IN VOLUME 2028 BOOK OF PLATS ON THIS 20th DAY OF February 1955

FULTON COUNTY RECORDER

STATE OF OHIO, S.S.

On this 20th day of February 1955 before me personally appeared R & D Development, by its representative Roy Taylor, Sr., who acknowledged the signing of this plat to be the free act and deed and voluntary act of said corporation for the purposes herein mentioned.

Witness my hand and the day and year above written:

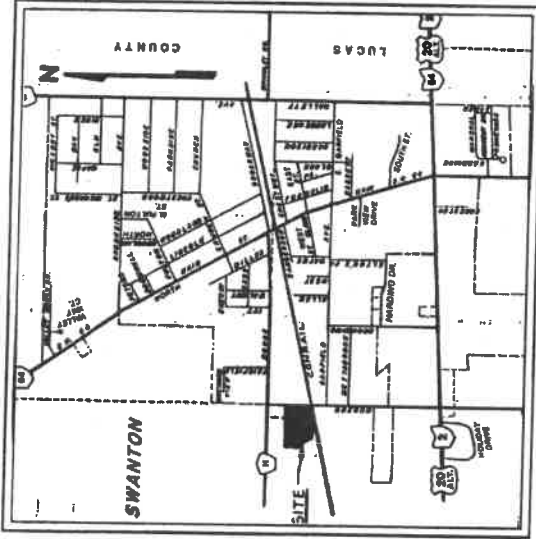
Notary Public in and for the State of Ohio  
By commission expires 12-3-55

OWNER/DEVELOPER:  
R & D Development  
1425 Scotti Road  
Swanton, Ohio 43558



POGGEMEYER DESIGN GROUP, INC.  
ARCHITECTS  
1168 NORTH MAIN STREET (419) 352-7337 BOWLING GREEN, OHIO 43402

cAs 143



LOCATION MAP

OWNERS DECLARATION

Situated in Section 11, Town 7 North, Range 8 East, County, Fulton, Ohio, Containing 7.1869 acres and being the same tract as conveyed to R & D Development and described in the deed recorded in Volume 2028, Page 528, Fulton County, Ohio.

We, the undersigned, do hereby declare that the attached plat correctly represents Crossings Way Subdivision, Lots 1 thru 16, inclusive, do hereby except this plat of same and dedicate to public (private) use on such of or parts of the roads, driveways, easements, and ingress/egress easements, shown herein and not heretofore dedicated.

The undersigned further agrees that any use of improvements made on this land shall be in conformity with all existing and future zoning, planning, health, or other local rules and regulations of the Village of Swanton, Ohio, for the benefit of himself and all other subsequent owners or assigns taking title from, under, or through the undersigned.

In Witness Whereof this 20th day of February, 1955

Witness:  
R & D Development  
Roy Taylor, Sr.  
Randy D. Miffert

SURVEYOR DECLARATION

We do hereby declare that we have surveyed the premises and prepared the attached plat and that said plat is correct.

Robert A. Sanford, P.S.  
Ohio Registered Professional Surveyor #05424



LEGAL DESCRIPTION OF 7.1869 ACRES FOR CROSSINGS WAY SUBDIVISION

Being a parcel of land in part of the East one-half of the North-east one-quarter of Section 11, Town 7 North, Range 8 East, Swan Creek Township, Fulton County, Ohio, located north of the Consolidated Ref Corporation (previously the Toledo and Indiana Railway Company) right-of-way, and more particularly described as follows:

Commencing at a found monument marking the northeast corner of said Northwest one-quarter, also the intersection of the center-lines of Dodge Street (County Road 11) and Munson Road (County Road 2);

Thence South 04deg 02min 03sec West 330.12 feet, on and along the east line of the said Northwest one-quarter and curvilinear of Munson Road (County Road 2), to the Principal Point of Beginning for this legal description;

Thence continuing South 04deg 02min 03sec West 373.78 feet, on and along said east line and centerline, to a point on the north-east line of said Consolidated Ref Corporation right-of-way;

Thence South 81deg 02min 03sec West 327.37 feet, on and along said northerly right-of-way line, to a point;

Thence North 04deg 15min 26sec West 24.05 feet to a point;

Thence North 72deg 24min 20sec West 158.47 feet to a point;

Thence North 12deg 24min 20sec West 200.34 feet to a point;

Thence North 07deg 31min 03sec West 28.79 feet to a point;

Thence North 04deg 28min 39sec East 220.05 feet, parallel with the west line of the East one-half of the Northwest one-quarter of Section 11, to a point;

Thence South 87deg 31min 03sec East 759.00 feet, parallel with the north line of the Northwest one-quarter of Section 11, to the Principal Point of Beginning enclosing an area of 7.1869 acres of land, more or less, and subject to all legal highways, easements, and restrictions written or recorded.

This legal description is based upon a boundary survey performed by L.E. Barlow and Associates, Inc., Swanton, Ohio, for R & D Development, dated 11-09-50 and amended by Roy Taylor, Sr., Registered Surveyor No. S-8741, and was prepared by Poggemeyer Design Group, Engineers-Architects-Planners, Bowling Green, Ohio.