

REQUESTED BY: CITY MANAGER, SCOTT BAUER

DATE OF FIRST READING: 9-6-22 WAIVE RULES?        YES  NO  
FINAL ACTION DATE: 9-20-22 VOTE:  YES        NO

SUSPENSION OF TWO  
READING RULE:

YES	NO
<u>      </u>	<u>  ✓  </u>
<u>      </u>	<u>      </u>
<u>      </u>	<u>  ✓  </u>
<u>      </u>	<u>      </u>
<u>      </u>	<u>  ✓  </u>
<u>      </u>	<u>  ✓  </u>
<u>      </u>	<u>  ✓  </u>
<u>  0  </u>	<u>  5  </u>

DENISE LINGO  
ROBERT PARSONS  
JOE ROETTING  
KISHA DOSA  
CORDEL GEORGE  
DANIEL MUELLER II  
PAUL R. YOUNG III  
TOTALS

ADOPTION OF  
ORDINANCE:

YES	NO
<u>      </u>	<u>      </u>
<u>  ✓  </u>	<u>      </u>
<u>  ✓  </u>	<u>      </u>
<u>  ✓  </u>	<u>      </u>
<u>  ✓  </u>	<u>      </u>
<u>  ✓  </u>	<u>      </u>
<u>  ✓  </u>	<u>      </u>
<u>  6  </u>	<u>  0  </u>

ORDINANCE NO. 22-1992

**AN ORDINANCE VACATING AN ALLEY LOCATED BETWEEN  
7405 PERRY STREET AND 7409 PERRY STREET**

**WHEREAS**, Ohio Revised Code Section 723.05 allows a legislative authority of a municipal corporation to vacate or narrow a street or alley, or any part thereof, as long as there is good cause for such vacation and narrowing and it is not detrimental to the general interest; and

**WHEREAS**, the Council of the City of Mt. Healthy finds there is good cause for the vacation of the alley which exists between 7405 Perry Street and 7409 Perry Street which contains no underground public utilities.

**NOW THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MT. HEALTHY, STATE OF OHIO:

**Section 1.** The City Council of the City of Mt. Healthy finds there is good cause to hereby vacate the east/west alley located between 7405 Perry Street and 7409 Perry Street more particularly described and shown as detailed in Exhibit "A" attached hereto.

**Section 2.** The City Council of the City of Mt. Healthy finds that such vacation is of the east/west alley located between 7405 Perry Street and 7409 Perry Street more particularly described and shown as detailed in Exhibit "A" attached hereto will not be detrimental to the general interest of the City.

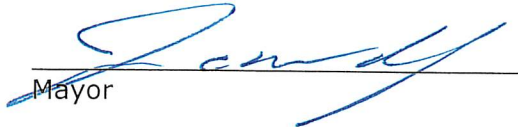
**Section 3.** That Council finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting and that all deliberations of Council which resulted in the passage of this Ordinance were taken in meetings open to the public, in full compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Passed this 20<sup>th</sup> day of September, 2022.

  
\_\_\_\_\_  
President of Council

Attest:   
\_\_\_\_\_  
Clerk of Council

Approved this 20<sup>th</sup> day of September, 2022.

  
\_\_\_\_\_  
Mayor

Approved as to form:



\_\_\_\_\_  
Scott A. Sollmann (0081476)  
5300 Socialville Foster Rd., Suite 200  
Mason, OH 45040  
(513) 707-4249  
City of Mt. Healthy Law Director

**J. T. KING & CO. INC.**  
**CIVIL ENGINEERS-LAND SURVEYORS**

9200 Montgomery Road, Suite 21-B

Cincinnati, Ohio 45242-7714

Telephone (513) 793-7667

[www.jtking.com](http://www.jtking.com)

Principal:  
J. Timothy King, PE-PS

Lee C. Nordloh, PS  
Emeritus

FILE: BAYES\_VACATION\_TRACT\_B.LGL  
FILE NO.: 20045-S

August 10, 2022  
Pages: 1 of 2

LEGAL DESCRIPTION  
TRACT 'B'  
ALLEY VACATION  
0.0277 ACRES

Situated in Section 26, Town 3, Entire Range 1, Miami Purchase, City of Mt. Healthy, Hamilton County, Ohio, and also being half of the public alley between Lots 8 & 9 of the Elias W. Hoffner's Subdivision, as recorded in Deed Book 44, Page 224 of the Hamilton County Recorder's Office, and being more particularly described as follows:

Beginning at the north west corner of said Lot 9 of the Elias W. Hoffner's Subdivision, said point lies at the intersection between the south line of a 17 foot wide Public Alley between said Lots 8 & 9, and the east line of a 20 foot wide Public Alley; said point is witnessed by a set mag nail;

THENCE leaving the north line of said Lot 9, North 00 degrees 00 minutes 00 seconds East for a distance of 8.53 feet to a set mag nail;

THENCE along a new division line, half way through the 17 foot wide Public Alley, between said Lots 8 & 9, South 85 degrees 12 minutes 00 seconds East for a distance of 142.12 feet to the west line of Perry Street, and a set mag nail;

THENCE with the west line of Perry Street, South 00 degrees 00 minutes 00 seconds West for a distance of 8.53 feet, to a point that is north east corner of said Lot 9, and the south line of said 17 foot wide public alley, and is witnessed by a set Cross Notch, lying at South 85 degrees 12 minutes 00 seconds East at a distance of 5.00 feet, on-line;

Continued . . .

Civil Engineering - Land Surveying  
Established 1978



J. T. KING & CO. INC.  
CIVIL ENGINEERS & LAND SURVEYORS  
CINCINNATI, OHIO

FILE: BAYES\_VACATION\_TRACT\_A.LGL  
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August 10, 2022  
Pages: 2 of 2

LEGAL DESCRIPTION  
TRACT 'A'  
ALLEY VACATION  
0.0277 ACRES

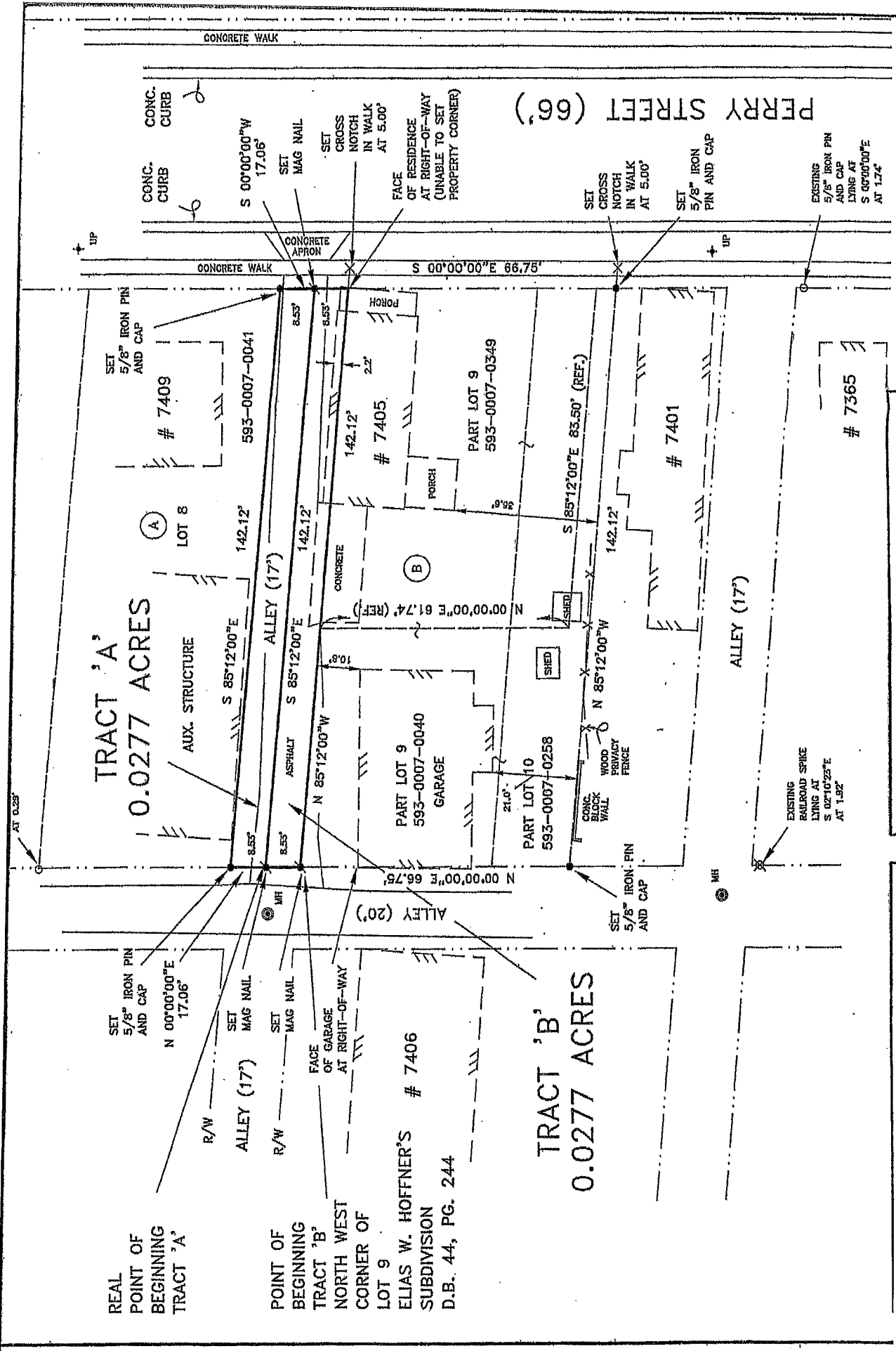
THENCE leaving the west line of Perry Street, along a new division line, half way through the 17 foot wide public alley between said Lots 8 & 9, North 85 degrees 12 minutes 00 seconds West for a distance of 142.12 feet, to the east line of the said 20 foot wide public alley, and the point of beginning;

Containing in all 0.0277 acres, and being subject to any and all easements and legal highways of record;

Being half of the public alley between Lots 8 & 9 of the Elias W. Hoffner's Subdivision, as recorded in Deed Book 44, Page 224, of the Hamilton County Reorderer's Office.

This Legal Description was prepared from a survey by J.T. King & Co., Inc., Civil Engineers & Land Surveyors, dated August 09, 2021, and revised on August 10, 2022, and written by J. Timothy King, PE-PS, Professional Land Surveyor, State of Ohio Registration No. 6549.





TRACT 'A'  
0.0277 ACRES

TRACT 'B'  
0.0277 ACRES

REAL POINT OF BEGINNING TRACT 'A'

POINT OF BEGINNING TRACT 'B' NORTH WEST CORNER OF LOT 9

ELIAS W. HOFFNER'S # 7406 SUBDIVISION D.B. 44, PG. 244

PERRY STREET (66')

AT 0.23'

SET 5/8" IRON PIN AND CAP N 00°00'00"E 17.06'

ALLEY (17')

FACE OF GARAGE AT RIGHT-OF-WAY

ALLEY (20')

SET 5/8" IRON PIN AND CAP

EXISTING RAILROAD SPIKE LYING AT S 02°10'23"E AT 1.92'

SET 5/8" IRON PIN AND CAP # 7409

LOT 8

AUX. STRUCTURE

ALLEY (17')

ASPHALT

CONCRETE

N 00°00'00"E 61.74' (REF.)

PART LOT 9 593-0007-0040 GARAGE

PART LOT 10 593-0007-0258

N 85°12'00"W

WOOD PRIVACY FENCE

CONC. BLOCK WALL

MH

ALLEY (17')

# 7365

EXISTING 5/8" IRON PIN AND CAP LYING AT S 00°00'00"E AT 1.24'

# 7401

PART LOT 9 593-0007-0349

# 7405

593-0007-0041

# 7409

CONCRETE WALK

S 00°00'00"E 66.75'

CONCRETE APRON

S 00°00'00"W 17.06'

SET MAG NAIL

SET CROSS NOTCH IN WALK AT 5.00'

FACE OF RESIDENCE AT RIGHT-OF-WAY (UNABLE TO SET PROPERTY CORNER)

SET CROSS NOTCH IN WALK AT 5.00'

SET 5/8" IRON PIN AND CAP

UP

UP