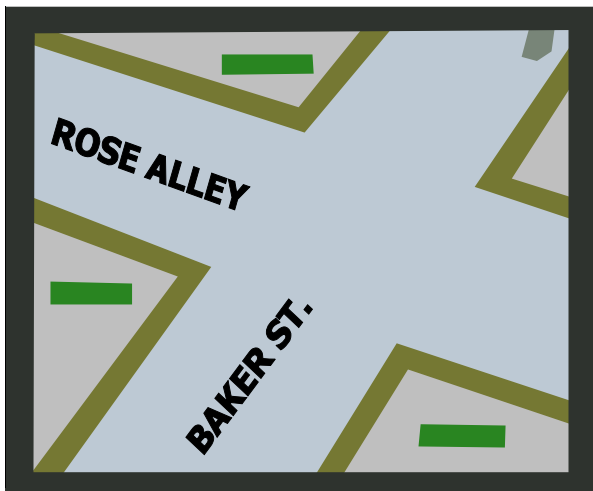




## Vacation of Streets Alleys and Easements (Sec. 1242.06)

An important responsibility of the City Planning Commission is the dedication and vacation of streets, alleys, easements, and plats. A dedication is the acceptance of the transfer of private property to public ownership or use -- such as a street. A vacation is the abandonment of a street, alley, or easement by the City of Lima for private ownership or use. The Planning Commission's decision on either case is recommendatory, which is then elevated to City Council where the matter will be considered through a public hearing -- and if approved, pass legislation for the purpose.



A [letter of intent](#) to **vacate a city right-of-way** or an access easement must include the items listed in the [attachment](#). In addition, an applicant may submit any additional materials which may be appropriate to the review. All required materials must be included with the letter of intent 3 weeks before the next CPC meeting in order for an application to be accepted by the Dept. of Community Development. Incomplete applications will not be accepted and will be returned to applicant. In particular instances, a traffic study and/or proffers will be requested.

For right-of-way vacations, the petitioner is [responsible for informing](#) all owners of properties abutting the right-of-way proposed to be vacated. On the other hand, the Department of Community Development will ensure that all relevant utility agencies and city departments having a conceivable interest in the easement or right-of-way are informed of the intention. In turn, these agencies will provide their respective position on the vacation -- whether or not there is a need, either at present or in the conceivable future, to retain the property as an easement or right-of-way, either for its original purpose or for some other public purpose.

It is strongly suggested to schedule a pre-application meeting with the Planning staff of the Dept. of Community Devt. to discuss the proposed project in detail and to receive staff suggestions on how to proceed.

The [process](#) takes between 6 and 12 weeks to vacate a right-of-way, which covers the time required for public notifications, consultations with utility agencies and city units, site inspection and use evaluation, and report preparation -- and perhaps a 2<sup>nd</sup> reading on the ordinance if necessary. The fee is \$300.

For further details, call the Planning Division of Department of Community Development at (419) 221-5146.



# Street / Alley Vacation

## Checklist of Requirements

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- [ ] 1. 8 copies of the [letter of intent](#), which contains among other information, the following:
- The **name and street address** of the petitioner;
  - The parcel number and lot number of the real estate owned by the petitioner adjacent to and abutting the alley or street proposed to be vacated. Or if such real estate consists of a part of a lot, or a description other than a lot number, then an abbreviated but accurate description of such real estate;
  - Reasons** for the vacation, **plans** therefor, and **indication of facts** that the vacation will not be detrimental to the general public interest.
  - A **vicinity map** (in 8.5" x 11" sheet), diagram or sketch of the street, alley, or part thereof, proposed to be vacated, and the lands and streets adjacent to or abutting upon such portion to be vacated, as well as those located directly across the street of the roadway proposed to be vacated;
- [ ] 2. A list of the **names and full mailing addresses of all owners of property adjacent to and abutting upon such alley or street**, or part thereof, proposed to be vacated, including those directly across the street from such area proposed to be vacated; (Obtained at the County Recorder's Office)
- [ ] 3. A certification by the petitioner, or her/his attorney, that such person has personally examined the records in the County Treasurer's and Recorder's offices, and that the descriptions, ownerships and addresses are the same as those shown in such records. (This relates to Item 2 above)
- [ ] 4. A copy of the **certificate of mailing** stamped by the US Postal Service showing the list of adjacent property owners to whom information regarding the intent to vacate the roadway have been mailed (obtain [sample letter](#) from City Planning Staff);
- [ ] 5. 4 copies of a [recordable plat](#) of the street, alley, or portion thereof, to be vacated, in the size and form required by the City Engineer (419-221-5288 x5822). This should include an accurate legal description of the alley, street, or portion thereof, proposed to be vacated; – have the plat reviewed and stamped by the Tax Map Office of Allen County Engineer's Office for compliance with the Standards Governing Conveyances of Real Property in Allen County, Ohio.
- [ ] 6. The vacation **fee** of \$300.00 payable to the City of Lima Treasurer.
- [ ] 7. Other information that **may be required** –
- site plan, landscape plan, parking plan
  - elevation drawings
  - traffic study (required if affecting heavily-travelled roadways)

## Sample Letter of Intent to Vacate a Roadway

Disclaimer: If you choose to adopt this SAMPLE letter or portions thereof, you are legally responsible for any liability that may arise from its use and issuance.

February 29, 2000

Lima City Council  
Lima Municipal Center  
50 Town Square  
Lima, OH 45801

SUBJECT: Proposed Roadway Vacation

Dear Lima City Council:

On behalf of the [REDACTED], I respectfully request the vacation of an alley segment that runs north-south on the 500-block of West Spring Street, between South Metcalf and McDonel Streets (see attached vicinity map). The fraternity owns the parcels immediately west of the alley (Lots 1 and 2). We also own 5 of the 6 parcels immediately west of the alley (Lots 6 to 10). At present, the alley segment is mainly used by our members to access our parking lot.

The purpose of the vacation is to consolidate the fraternity's parcels in preparation for the construction of a multi-purpose gymnasium. The plan is to build over part of the vacated alley, and maintain part of said alley as parking lot (see attached site plan).

Six other property owners abut the subject alley segment. We shall be sending them letters informing of our intention and building plans.

By observing daily traffic on the alley we believe that its closure will not affect abutting properties as these structures are mainly accessed via South McDonel Street. Likewise, closing the alley is not anticipated to be detrimental to the driving public since the alley segment is not accessed by through traffic.

Attached for your review are: (a) vicinity map; (b) site plan; (c) recordable plat of the subject alley; and (d) certified mailing list.

If you have questions regarding this petition, please give us a call at this number: (419) 222-2222.

Thank you.

[REDACTED]  
Grand Knight

Location of alley  
and map references

Factual statements  
of findings on traffic

Purpose of vacation;  
Development plans

Required minimum  
attachments

## Sample Letter to Abutting Property Owners (Roadway Vacation)

Disclaimer: If you choose to adopt this SAMPLE letter or portions thereof, you are legally responsible for any liability that may arise from its use and issuance.

(Date)

(Name of Property Owner-of-Record)  
(Home or Business Mailing Address of Property Owner)

SUBJECT: Proposed Vacation of Alley (Street)

Dear Property Owner:

As a property owner in the City of Lima, you are being notified of an intention to vacate a roadway which may affect your real estate. Attached is a copy of the petition to Lima City Council to vacate (the whole length or part of) the alley that abuts your property. The **attached petition** indicates the reasons for vacating the roadway and the plans associated with the vacation.

Should you have comments in support of or against this intention, you may wish to express them in writing to the City Planning Commission which will consider the matter in a public meeting on (date of CPC meeting). Please send your written comments, if any, to:

City Planning Commission (re: Roadway Vacation)  
Dept. of Community Development  
50 Town Square  
Lima, OH 45801

Should the petition be elevated to Lima City Council, you will be informed and invited to participate in a public hearing for this purpose. In this public hearing by City Council, you will have the privilege to personally express your comments, if any, on the proposed vacation.

Meanwhile, if you have questions regarding this petition, please give us a call at this number: (your phone number with area code) — or call the city's Dept. of Community Development at (419) 221-5146.

Thank you.

(Printed Name and Signature of Petitioner or Agent)

**NOTE:** This meeting date will be determined when you submit a complete application to the Dept. of Community Devt.



## FREQUENTLY ASKED QUESTIONS

### CITY PLANNING COMMISSION ACTIONS

**Zoning reclassification** - If approved, the petition and recommendation will be forwarded to Lima City Council. Upon receipt, Lima City Council will schedule a public hearing and send notices to the adjoining owners. The public hearing is part of a regular Lima City Council meeting (Monday at 7:30 PM) and you will receive a notice of the hearing date. The public hearing is normally held about 45 days after City Planning Commission action. You may wish to contact the Lima City Council Clerk at (419) 221-5218 if you have questions about the notice for a zoning request.

If denied, no further action will be taken unless the petitioner requests, in writing, that the case be forwarded to Lima City Council for consideration on appeal. It requires a 2/3 vote of Lima City Council to reverse a decision of the City Planning Commission. If appealed, the same public hearing process and notification process will be followed as noted above. There is no additional charge for an appeal.

**Alley vacation** - If approved, the petition and recommendation will be forwarded to Lima City Council. Upon receipt, Lima City Council will schedule a public hearing and send notices to the adjoining owners. The public hearing is part of a regular Lima City Council meeting (Monday at 7:30 PM) and you will receive a notice of the hearing date. The public hearing is normally held about 45 days after City Planning Commission action. You may wish to contact the Lima City Council Clerk at (419) 221-5218 if you have questions about the notice for an alley vacation request.

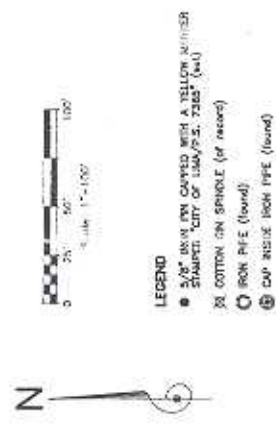
If denied, no further action will be taken unless the petitioner requests, in writing, that the case be forwarded to Lima City Council for consideration on appeal. It requires a 2/3 vote of Lima City Council to reverse a decision of the City Planning Commission. If appealed, the same public hearing process and notification process will be followed as noted above. There is no additional charge for an appeal.

**Occupancy Permit (R-3 District)** - Before final action by City Council to authorize a business office in an R-3 zoning district, the request must be referred to the City Planning Commission for study and report on the effect of the proposed use on the character and development of the neighborhood.

# VACATION OF RIGHT-OF-WAY

PART OF S. PIERCE STREET, MRS. E. SATTERTHWAIT'S 2nd ADDITION

Part of the Southeast Quarter of Section 36, Township-3-South, Range-6-East, American Township  
CITY OF LIMA, ALLEN COUNTY, OHIO



- LEGEND**
- 3/8" IRON PIN CAPPED WITH A YELLOW MARKER
  - 3/8" IRON PIN (found)
  - COTTON GIN SPINDLE (of record)
  - IRON PIPE (found)
  - COP BRICK IRON PIPE (found)

Authorized and approved by City of Lima Ordinance No. \_\_\_\_\_  
passed \_\_\_\_\_ 2003.

**DESCRIPTION**

Being part of S. Pierce Street as platted in Mrs. E. Satterthwait's 2nd Addition, recorded in Plat Book 3, Page 86, located in the southeast quarter of Section 36, Township-3-South, Range-6-East, American Township, now within the corporate limits of the City of Lima, Allen County, Ohio, and more particularly described as follows:

Commencing at an iron pipe found at the southwest corner of Lot 3177 in Leonard and Evans Subdivision (Plat Book 2, Page 310), also being the intersection of the north right-of-way line of W. Kibby Street, and the east right-of-way line of S. Pierce Street; thence N00°08'05"W with the east right-of-way line of S. Pierce Street, 240.97 feet (platted distance is 247.50 feet) to an iron pipe found at the southwest corner of Lot 2533 in said Mrs. E. Satterthwait's 2nd Addition, being the POINT OF BEGINNING.

thence S89°53'55"W crossing S. Pierce Street, 86.00 feet to an iron pin set on the west right-of-way of S. Pierce Street;

thence N00°08'05"W with the west right-of-way line of S. Pierce Street, 327.84 feet to a cotton gin spindle of record at a point 28.00 feet north of the north line of Lot 2539 extended west, also being a point on the south line of that portion of S. Pierce Street vacated by Ordinance 219-82, recited in deed Volume 330, Page 201;

thence N88°45'28"E parallel with and 28.00 feet north of the extended north line of Lot 2538, also being the south line of said vacated S. Pierce Street, 86.00 feet to a cotton gin spindle of record on the west line of Lot 2539;

thence S00°08'05"E with the west line of Lots 2539, 2540, 2537, 2538, 2544, and 2541, also being the east right-of-way line of S. Pierce Street, 328.00 feet to a POINT OF BEGINNING.

The above described tract of land contains 21,842.72 square feet or 0.497 acres, and is subject to all easements of record.

Description of this tract of land is based on surveying work performed by the City of Lima, Ohio, Engineering Division, through August of 2000 under the supervision of Larry W. Slayonovich, P.S. #7-85. Bearings are based on a survey performed by Kehl and Kallher Associates, Inc. for the Lima City Schools, as indicated on Kehl & Kallher drawing No. 7-907. All iron pins set are 5/8" x 30" rebar, capped with yellow marker stamped "City of Lima/P.S. #856".

P-8-07  
Title  
*Larry W. Slayonovich*  
Larry W. Slayonovich, P.S. #7885

