

Village of New Lexington

ORDINANCE No. 18-24

**ORDINANCE AUTHORIZING THE DONATION AND CONVEYANCE OF
CERTAIN REAL PROPERTY
FROM THE VILLAGE OF NEW LEXINGTON, TO
THE VILLAGE OF NEW LEXINGTON, AND ACCEPTING THE DEDICATION
THEREOF FOR PUBLIC ROAD PURPOSES,
AND DECLARING AN EMERGENCY**

Whereas, Ohio Revised Code §721.01 and §723.121 provide municipal corporations the special power to convey real estate belonging to the municipal corporation, and to do so without competitive bidding if such conveyance is to be made to a political subdivision of the State of Ohio;

Whereas, Ohio Revised Code §723.03 provides that property dedicated to public use for street purposes by the proprietor of ground in any municipal corporation shall not be used for a public street purpose, or come under the care of the legislative authority of the municipal corporation, unless the dedication is accepted and confirmed by an Ordinance of the municipal corporation specifically passed for such purposes;

Whereas, the Village of New Lexington, by Deed of record in Perry County Deed Volume 35, Page 206, is the owner of certain real estate within the Village of New Lexington, Perry County, Ohio, located in the northwest quarter of Section 9 adjacent North Pleasant Street, consisting of approximately 0.031 acres, more or less, which such land is owned by the Village for a public purpose but no as existing road right of way. such property more fully described as set forth in attached Exhibit A; and

Whereas, the Village of New Lexington no longer needs the above-referenced property for the public purpose for which it is currently held, but desires to dedicate such property to the Village of New Lexington for the specific public purpose of road right of way purposes, to provide such land as is necessary for a certain planned road project for Pleasant Street in the Village of New Lexington in pursuit of the general welfare and interests of the Village of New Lexington; and

Whereas, the Village of New Lexington desires to accept a deed of the property set forth in attached Exhibit A for public road right of way purposes, and to thereafter have and maintain such property as Village road right of way property for Pleasant Street; and

Whereas, because the subject conveyance is a conveyance from the Village to the Village, the Village of New Lexington shall neither charge nor receive compensation therefore, and the Village desires to deem the conveyance a donation; and

Whereas, the Village of New Lexington desires to pass this Ordinance as an emergency measure necessary to permit the immediate preparation, execution, acceptance and recording of said deed and survey. The reason for such necessity is to serve the general welfare of the Village by assisting the furtherance of proposed street and bridge improvement within the Village and qualification for funding available therefore.

NOW THEREFORE, two thirds (2/3) of the members of the Council of the Village of New Lexington, Perry County, Ohio, concurring therein, **IT IS THEREFORE ORDAINED**:

Section 1: That the real property owned by the Village of New Lexington, by Deed of record in Perry County Deed Volume 35, Page 206, located in the northwest quarter of Section 9 adjacent North Pleasant Street, and consisting of approximately 0.031 acres, more or less, and more fully described as set forth in attached Exhibit A, is no longer needed for the public purpose for which it is currently held, but is needed for the public purpose of public road right of way for Pleasant Street.

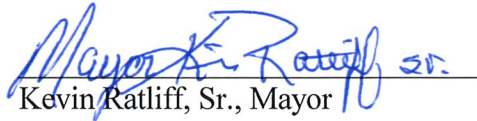
Section 2: That in accordance with the provisions of Ohio Revised Code §721.01 and §723.121, the Council authorizes and directs the Village Administrator to convey the real property described in attached Exhibit A, from the Village of New Lexington, to the Village of New Lexington, for road right of way purposes, and to neither charge nor receive compensation therefore. The Council hereby deems the conveyance a donation from the Village of New Lexington to the Village of New Lexington.

Section 3: That in accordance with the provisions of Ohio Revised Code §723.03, the Council authorizes and directs the Village Administrator to accept conveyance of the real property described in attached Exhibit A, and the Village of New Lexington shall thereafter have and maintain such as Village property as a dedication for public street purposes. The approval of the attached survey and plat for recording purposes will constitute an acceptance of the parcel for the proposed street purpose shown thereon as and for public street purposes.

Section 4: That the subject conveyance is a conveyance from the Village to the Village, and therefore the Village of New Lexington shall neither charge nor receive compensation therefore, and the conveyance is hereby deemed a donation by the Village of New Lexington to the Village of New Lexington.


Section 5: That this Ordinance is hereby passed as an emergency, necessary to permit the immediate preparation, execution, acceptance and recording of said deed and survey. The reason for such necessity is to serve the general welfare of the Village by timely assisting the furtherance of proposed street and bridge improvement within the Village and qualification for funding available therefore. Therefore, this Ordinance shall go into immediate effect.

1st Reading: Waived on 2/3 Vote
2nd Reading: September 17, 2018
Passed: September 17, 2018.


Kevin Ratliff, Sr., Mayor

Dan Bethel, Council President

ATTESTED:


~~Eisa Spohn~~, Council Clerk *Acting*
Heather Rockwell