

ORDINANCE NO.: 21-11

An Ordinance Establishing Guidelines for Vacation of Dedicated Streets, Easements,
Public Roadways, or Rights-of-Way

BE IT RESOLVED THAT the Village of South Point does hereby establish the following guidelines for determination of whether to vacate dedicated streets, easements, public roadways, or rights-of-way within the Village;

BE IT RESOLVED THAT in considering whether to vacate a dedicated street, easement, public roadway, or right-of-way within the Village, the following will be required:

1. A petition filed with the Village wherein all landowners adjoining or have property abutting the area to be vacated have agreed or consented to the vacation.
2. The dedicated street, easement, public roadway, or right-of-way has not been used by the public as a street or roadway for at least 21 years prior to the filing of the petition.
3. The petitioners agree that, upon preliminary approval of the vacation being granted by the Council, the petitioners will supply the Village a survey and plat which sets forth the area to be vacated, along with descriptions for all property being transferred to adjacent landowners. This shall be approved and accepted by the County Engineer and County Auditor prior to finalization of the vacation.
4. Council finds that there would be no benefit to the public or other residents of the Village to leave the area a dedicated street, easement, public roadway, or right-of-way.
5. Prior to voting on the vacation petition, notice will be given on the Village's website and other social media used by the Village or placed in the newspaper that a petition to vacate the area will be considered on that date by Council.

BE IT RESOLVED THAT if Council finds that all five (5) requirements exist, then Council shall vacate the dedicated street, easement, public roadway, or right-of-way unless Council determines such vacation would be detrimental to the Village or its residents.

BE IT RESOLVED that if Council decides to vacate the dedicated street, easement, public roadway, or right-of-way, then the following will apply:

1. The land being vacated shall revert to the original owner if the area is a right-of-way, easement, or public way wherein the public has been granted access by one of the existing contiguous landowners or prior owners in title.
2. All vacated dedicated streets, easements, public roadways, or rights-of-way shall be transferred to the adjoining landowners with the vacated area being divided equally between adjoining landowners according to the frontage of their property that abuts the vacated area.

ADOPTED THIS 6th DAY OF JULY 2021.

Attest: Mark Dierker, Clerk

Jeffrey MAYOR