



28 East Main Street
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Director
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Building, Planning and Zoning
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**PETITION FOR THE VACATION OF A CERTAIN STREET OR ALLEY
OR PART THEREOF LOCATED IN
THE VILLAGE OF WEST JEFFERSON.**

Please provide written description of proposed closing specifying surrounding street names and addresses of properties that would be affected if the vacation is approved. Please attach a drawing with this submittal showing clearly the streets and alleys in the area involved and using hatch marks (///////) to designate proposed vacation. If other entities involved agree on proposed closure this could result in shared payment of the filing fee.

DATE _____

ADDRESS _____

SIGNATURE OF PETITIONER _____

REQUIRED FEE _____

Receipt# _____

"Instructions for Alley Vacations"

ALLEY VACATIONS:

The village charter and zoning ordinance are basically silent on the subject of alley vacations. Therefore, we must follow the provisions as outlined in Sections 723.04 -723.07 of the Ohio Revised Code.

The ORC basically describes two different types of alley vacations, one is initiated by petition of a lot owner, the other is initiated by the legislative authority (Council) of the municipality.

1. On petition by a person owning a lot in the municipal corporation praying that an alley in the immediate vicinity of such lot be vacated (Section 723.04).
 - Notice of pendency and prayer of the petition must be published in a newspaper of general circulation in the municipality for six consecutive weeks preceding action on said petition (Section 723.07)
 - Action thereon shall take place within three months after the completion of the notice.
 - Must hold a hearing (Section 723.04)
 - Vacation must be declared by ordinance of council (Section 723.04)
2. When, in the opinion of the legislative authority (Council) there is good cause for vacating an alley or any part thereof, and that such vacation will not be detrimental to the general interest, it may , by ordinance and without petition therefor, vacate such alley or any part thereof.
 - Notice of the intention of the legislative authority of a municipal corporation to vacate an alley or any part thereof shall be given as provided under Section 723.07 ORC, except when written consent to such vacation is filed with the legislative authority (Council) by the owners of the property abutting the part of the alley proposed to be vacated, in which case such notice shall not be required (Section 723.06).

CONCLUSION:

It appears that the required activity originates at the legislative authority level (Council). On the subject of alley vacations, there is no reference to the Planning and Zoning Commission in the Zoning Ordinance, the Village Charter, or the Ohio Revised Code. After a copy of the petition is received by Council, a review and recommendation from the Planning and Zoning Commission, the Public Service Committee, Building and Zoning Inspector or any other source may be requested by Council. However, the original petition should go **directly** to the Clerk of Council for distribution to Council.