

**CITY OF XENIA, OHIO  
ORDINANCE 2019 – 13**

**VACATING A SECTION OF JUNE DRIVE, IN THE PROGRESS CENTER SECTION ONE  
PLAT, BETWEEN SOUTH PROGRESS DRIVE AND THE LAYNE NUMBER FOUR PART C  
PLAT, WITHIN THE CORPORATE LIMITS OF THE CITY OF XENIA, OHIO**

**WHEREAS**, a Petition to vacate the section of the June Drive right-of-way that is within the Progress Center Section One Plat, between South Progress Drive and the Layne Number Four Part C Plat, has been filed with the City of Xenia, Ohio, in accordance with Ohio Revised Code Section 723.04;

**WHEREAS**, written consent to the vacation has been filed with the City by the owner of both properties abutting the section of the street right-of-way proposed to be vacated, in accordance with Ohio Revised Code Section 723.06;

**WHEREAS**, a public hearing has been held on said Petition, as required by Ohio Revised Code Section 723.04; and

**WHEREAS**, this Council is satisfied that there is good cause for such vacation and that the vacation will not be detrimental to the general interest of the City of Xenia or its citizens.

**NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS**, at least four (4) members of the City Council concurring, that:

**Section 1.** This Council finds that the Petition to Vacate a section of June Drive and Written Consent to the Vacation have been filed by Beavercreek A B Real Estate, LLC, as owner of the two properties at 65 South Progress Drive (Lot 11 of the Progress Center Section One Plat, P.B. 30, pp. 499B-500B and Lot 12A of the Progress Center Section One Lot 12A Replat, P.B. 36, pp. 62B-63A), that abut the portion of June Drive proposed for vacation, have been properly presented to this Council.

**Section 2.** This Council further finds that there is good cause for such vacation and that such vacation will not be detrimental to the general interests of the City of Xenia or its citizens and ought to be made.

**Section 3.** It is hereby declared that the June Drive street right-of-way between Lot 11, as the same is known and designated on the recorded Progress Center Section One Plat, and Lot 12A, as the same is known and designated on the recorded Progress Center Section One Lot 12A Replat, containing 0.1071 acres, or more less, all as shown on the attached Vacation Plat submitted with the Petition, is vacated.

**Section 4.** It is hereby further declared that the utility and bike path easement, which is 53.17 feet on the west side and 39.38 feet on the east side, 42.88 feet on the north side, and 87.89 feet on the south side, as shown on the Vacation Plat prepared by Burkhardt Engineering, is not a part of this vacation and shall remain as an easement, in accordance with Ohio Revised Code Section 723.041.

**Section 5.** In accordance with Ohio Revised Code Section 723.08, the abutting property owner, Beavercreek A B Real Estate, LLC, is hereby vested with a fee simple interest in the 0.1071 acres, more or less, that formerly comprised the right-of-way of June Drive and that is herein vacated, subject to all existing legal easements of record, particularly those easements named in Section 4 and as shown on the vacation plat.

**Section 6.** The City Clerk and the City Planner are hereby instructed to undertake any necessary endorsements upon the Vacation Plat that are needed to show the action of this Council in vacating the above-referenced portion of June Drive, and to cause a certified copy of this Ordinance and the Vacation Plat to be recorded in the office of the Recorder of Greene County, Ohio. The City Clerk is further directed to notify the Auditor of Greene County of the vacation by sending him a copy of this Ordinance.

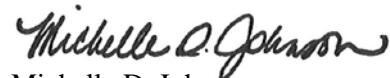
**Section 7.** It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 8.** This Ordinance shall become effective on July 13, 2019.


Introduced: May 23, 2019

Adopted: June 13, 2019

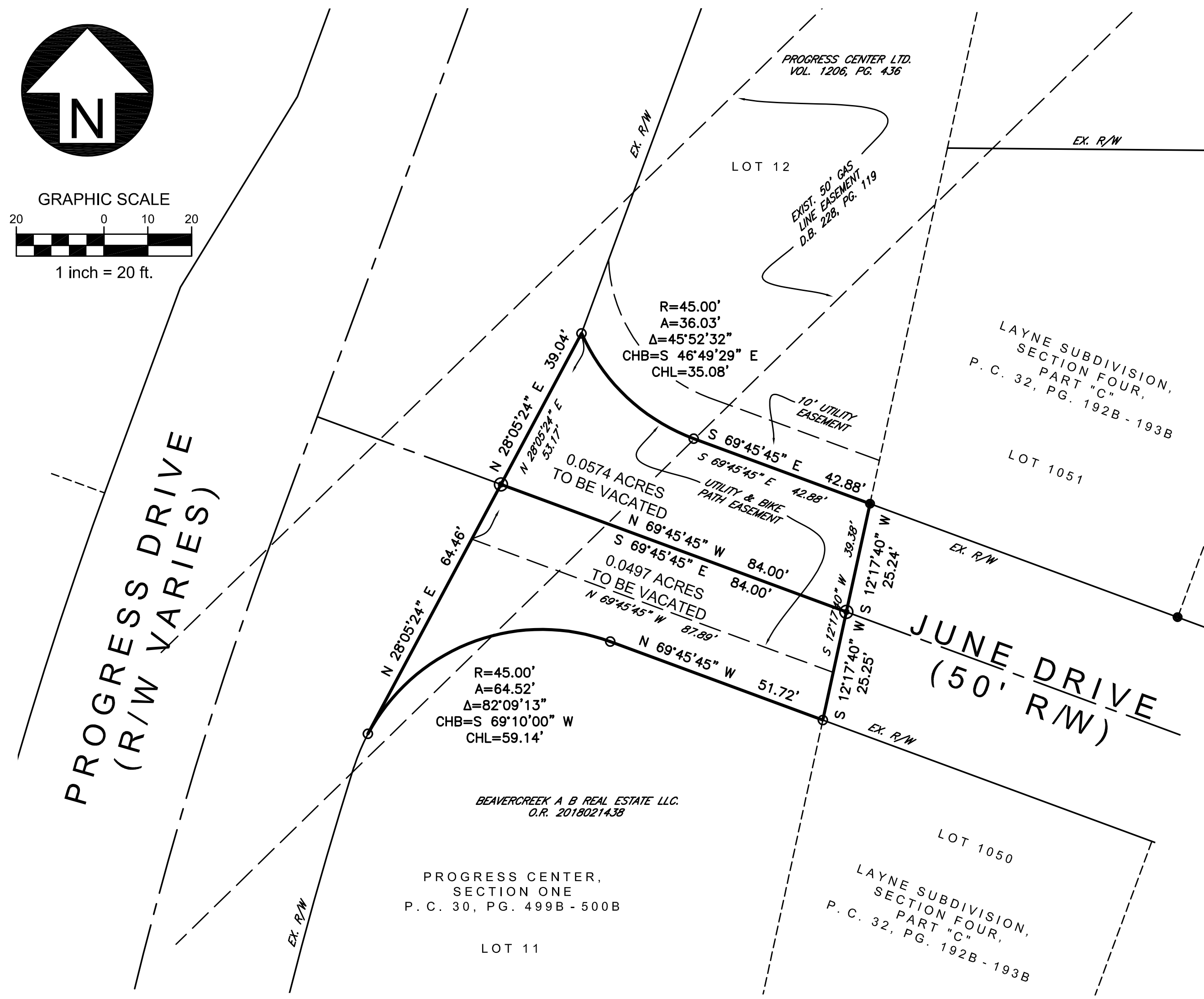
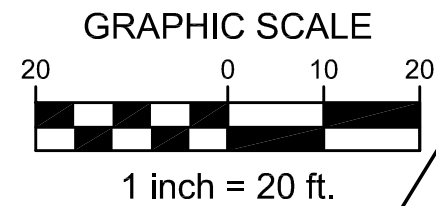
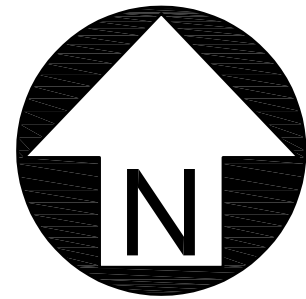
Attest:



Michelle D. Johnson  
City Clerk



Michael D. Engle  
President, Xenia City Council



VACATION PLAT  
**JUNE DRIVE VACATION**  
 BEING A VACATION OF A PORTION OF  
 JUNE DRIVE PER PROGRESS CENTER, SECTION ONE  
 P.C. 30, PG. 499B-500B  
 CITY OF XENIA, VMS# 3586,  
 GREENE COUNTY, OHIO  
 0.1071 ACRES

BASIS OF BEARING: BEARINGS ARE BASED ON SOUTH  
 LINE OF JUNE DRIVE, TAKEN FROM STATE PLANE  
 COORDINATE SYSTEM, NAD83(2011) ADJUSTMENT,  
 GEOID12a, OHIO SOUTH ZONE, O.D.O.T. VRS/CORS  
 NETWORK. (BEARING N 69°45'45" W)

REFERENCES:

PLATS: PROGRESS CENTER, SECTION ONE  
 P.C. 30, PG. 499B-500B

REPLAT OF LOT 12, PROGRESS CENTER, SECTION ONE  
 P.C. 36, PG. 62B-63A

LAYNE SUBDIVISION, SECTION FOUR, PART "C"  
 P.C. 32, PG. 192B-193B

CERTIFICATE OF SURVEYOR

I hereby certify the plat/subdivision was prepared in accordance  
 with Ohio Administrative Code Chapter 4733.37 Standards for Surveys  
 and also conforms to the Ohio Revised Code Chapter 711 for record  
 plans and was conducted under my direct supervision, based on  
 fieldwork in September 2011. All measurements are correct and  
 monuments are to be set as shown. Curve distances are measured  
 on the arc. Iron pins to be set at all lot corners are 5/8" x 30"  
 rebar.

Michael A. Novean  
 Ohio Professional  
 Registered  
 Surveyor No. 8101

SURVEYOR NOTES:

1. LINES OF OCCUPATION (WHERE EXISTING) IN GENERAL AGREE WITH PROPERTY LINES.
2. ALL MONUMENTATION FOUND IN GOOD CONDITION UNLESS NOTED OTHERWISE.
3. IRON PINS SET ARE 30" x 5/8" REBAR, CAPPED "BURKHARDT ENGINEERING"
4. MAG NAILS SET ARE 1 1/2" x 1/4" MAG NAILS.
5. ALL DEED, SURVEY AND PLAN RECORDS SHOWN ON THIS SURVEY WERE USED IN THE PERFORMANCE OF THIS SURVEY.

LEGEND

- 5/8" IRON PIN FOUND
- 5/8" I.P. SET



CIVIL ENGINEERING  
 LAND SURVEYING  
 NATIONAL RETAIL  
 SITE DEVELOPMENT

28 North Cherry Street  
 Germantown, Ohio 45327  
 Phone: 937-388-0060  
 BURKHARDTINC.COM

SCALE: 1"=20'  
 DATE: 04.26.2019  
 DWN. BY: RGK  
 CHKD. BY: MAN  
 PG. 1 OF 1