

1<sup>st</sup> reading \_\_\_\_\_  
2<sup>nd</sup> reading \_\_\_\_\_  
3<sup>rd</sup> reading \_\_\_\_\_  
Voted On \_\_\_\_\_  
Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_  
PASSED \_\_\_\_\_ DEFEATED \_\_\_\_\_

**ORDINANCE NO. 2018-6  
(AS AMENDED)**

**AN ORDINANCE  
AUTHORIZING THE VACATION OF THE REMAINING  
RESIDENTIAL PORTION OF WALNUT HILLS ROAD**

WHEREAS, pursuant to Ordinance 2015-17, the Village vacated Pinecrest Drive and that portion of Walnut Hills Road located within the PD-4 Sub-District of the Pinecrest Development; and

WHEREAS, other than two vacant residences, all of the residences on the remaining residential portion of Walnut Hills Road have been razed; and

WHEREAS, pursuant to the Development Agreement dated as of May 6, 2015, by and among Orange Village, Pinecrest Project Partners LLC (as successor-in-interest to Pine Orange LLC and Pine IX LLC) and Walnut Hills LLC (the "Development Agreement"), it was contemplated that the remaining residential portion of Walnut Hills Road would be vacated at the time of commencement of the development of the residential portion of Pinecrest; and

WHEREAS, the Residential Developer (as such term is defined in the Development Agreement) has not yet submitted plans for the development of the Residential Portion of the Project (as such term is defined in the Development Agreement); and

WHEREAS, this Council has determined that the cost of maintaining the remaining residential unvacated portion of Walnut Hills Road as more fully described in Exhibit A attached hereto ("Walnut Hills Road") for safe passage by the public outweighs the benefit that that the public would receive from the cost of such maintenance; and

WHEREAS, this Council has determined that there is good cause for the vacation of Walnut Hills Road and that such vacation will not be detrimental to the general interest.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE,  
CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That pursuant to Ohio Revised Code §723.05, the remaining residential portion of Walnut Hills Road is hereby vacated.

SECTION 2. That pursuant to Ohio Revised Code §723.041, each public utility shall be deemed to have an easement over Walnut Hills Road for the purpose of maintaining, operating, renewing, reconstructing, and removing any utility facilities and for purposes of access to said facilities; and

SECTION 3. That pursuant to Ohio Revised Code §723.08, the vacation of the remaining residential portion of Walnut Hills Road shall not impair the right of way and easement therein of any lot owner.

SECTION 4. That the Village Engineer is authorized and directed to prepare and record a vacation plat in the office of the Recorder of Cuyahoga County.

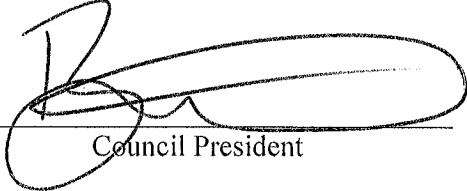
**ORDINANCE NO. 2018-6**

SECTION 5. That the Mayor is authorized and directed to execute such documents as are necessary to accomplish the vacation contemplated by this Ordinance.

SECTION 6. That actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 7. That this Ordinance shall be in full force and effect at the earliest time permitted by law.

PASSED: May 9, 2018

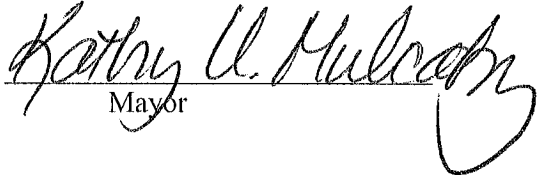
  
Council President

Submitted to the Mayor for approval on this 9<sup>th</sup> day of May, 2018

Approved by the Mayor this 9<sup>th</sup> day of May, 2018

ATTEST:

  
Clerk of Council

  
Mayor

**EXHIBIT A**

**LEGAL DESCRIPTION OF VACATED ROADWAY**

**[TO BE CORRECTED/CONFIRMED BY VILLAGE ENGINEER]**

Situated in the Village of Orange, County of Cuyahoga, State of Ohio and known as being all of Walnut Hills Road as shown by the recorded plat in Volume \_\_, Page \_\_ of Cuyahoga County Records, excluding, however, that portion of Walnut Hills Road previously vacated as show on the Vacation Plat for Pinecrest Drive and Portion of Walnut Hill Road recorded in Volume 382, Pages 75 and 76 of Cuyahoga County Records