

# CITY OF CLAYTON, OHIO

## ORDINANCE NO. O – 03 – 26 – 04

**AN ORDINANCE FINDING GOOD CAUSE FOR VACATING FLOWER STREET OR PART THEREOF IN THE CITY OF CLAYTON, AND THAT SUCH VACATION WILL NOT BE DETRIMENTAL TO THE GENERAL INTEREST; FINDING THAT THE VACATION WAS PROPERLY NOTICED AS REQUIRED BY R.C. 723.06 AND 723.07; AND REQUIRING THAT THE ORIGINAL ORDINANCE OR A CERTIFIED COPY THEREOF SHALL BE RECORDED IN THE OFFICIAL RECORDS OF THE COUNTY RECORDER**

### **Section 1 Vacation or Narrowing Initiated by Council (R.C. 723.05 and 723.06)**

1.1 Authority. When, in the opinion of the Council, there is good cause for vacating or narrowing a Street, or any part thereof, and such action will not be detrimental to the general interest, the Council may, by ordinance and without petition, vacate or narrow such Street or part thereof.

1.2 Findings. Any ordinance adopted under this Section shall include findings that:

- (a) Good cause exists for the vacation and
- (b) The vacation or narrowing will not be detrimental to the general interest.

1.3 Description. The ordinance shall identify the Street or the portion thereof to be vacated or narrowed and shall attach a map and/or legal description as Exhibit A sufficient for recordation.

1.4 Notice. Unless written consent to the vacation is filed with the Council by all Abutting Owners of the portion proposed to be vacated, notice of the City's intention to vacate shall be given as provided in R.C. 723.07 and Section 2 of this Ordinance.

1.5 Title; Reversion; Effect of Vacation. Upon vacation of a public right-of-way, fee title to the vacated area shall vest as provided by law, generally in the abutting property owner(s) to the centerline, subject to existing easements and encumbrances of record. Nothing herein shall be construed to impair access rights of abutting owners except as expressly determined by Council on the record.

### **Section 2. Statutory Notice Requirements (R.C. 723.06 and 723.07)**

2.1 Method of Notice.

- (a) Publication. Notice of the City's intention to vacate under Section 1 when required, shall be given by publishing such notice in a newspaper of general circulation in the City once a week for six consecutive weeks preceding action on the Petition or proposed ordinance.
- (b) Alternative Publication. In the alternative, notice may be provided as permitted by R.C. 7.16 for the same six-week period preceding action.
- (c) Posting if No Newspaper. Where no newspaper is of general circulation in the City, notice shall be given by posting the notice in three public places in the City for six weeks preceding action.

2.2 Content. The notice shall substantially state: (i) the pendency and prayer of the Petition, or the City's intention to vacate; (ii) the Street or portion affected; (iii) the time and place of the meeting at which action will be considered; and (iv) where the map/legal description may be inspected.

**Section 3. Recordation (R.C. 723.05)**

3.1 The original ordinance adopted under Sections 3, 4, or 5, or a certified copy thereof, shall be recorded in the official records of the Montgomery County Recorder.

3.2 The Clerk of Council is authorized and directed to cause such recordation promptly after adoption and to maintain a copy of the recorded instrument in the City's records.

**Section 4. Administration**

4.1 The City Manager, Law Director, Clerk of Council, and such other officers and employees as appropriate are authorized to implement this Ordinance, prepare forms, and take administrative actions consistent with this Ordinance and R.C. 723.05–723.07.

4.2 Fees [If Applicable]. Any application or Petition fees shall be as established by separate resolution or ordinance of Council.

**Section 5. Severability**

If any provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect, and to this end the provisions of this Ordinance are declared to be severable.

**Section 6. Repeal of Inconsistent Provisions**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 7. Effective Date**

This Ordinance shall take effect and be in force from and after the earliest period allowed by law

ADOPTED BY COUNCIL ON MARCH 19, 2026

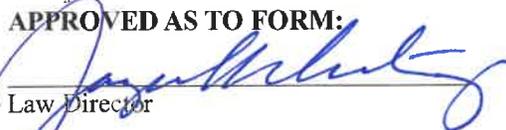
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**ATTEST:**

  
Barbara Seim, Clerk

  
Ryan Farmer, Mayor

**APPROVED AS TO FORM:**

  
Law Director

**CERTIFICATE**

The undersigned, Clerk of the City of Clayton, Ohio does hereby certify that the foregoing is a true and correct copy of Ordinance No. O-03-26-04 passed by the Council of said City on the 19<sup>th</sup> day of March 2026, and that the foregoing Ordinance No. O-03-26-04 was posted at the City Building, Fire Station 83 and Fire Station 84, on the 6<sup>th</sup> day of March 2026, to the 2<sup>nd</sup> day of April 2026, both days inclusive.

  
Barbara Seim, Clerk



