

**VILLAGE OF NEWCOMERSTOWN, OHIO**  
**ORDINANCE NO. 2021-\_\_\_\_\_**

**AN ORDINANCE VACATING A CERTAIN DEDICATED ALLEY LOCATED  
BETWEEN LOTS NUMBERS 156 AND 1224 WITHIN THE VILLAGE OF  
NEWCOMERSTOWN AND DECLARING AN EMERGENCY**

**WHEREAS**, the Village of Newcomerstown (“Village”) has received a petition to vacate a certain dedicated alley located with the Village (“Petition”) filed by Thomas G. Addy and Kelly M. Addy and Jill A. Little being the owners of all the property abutting upon the alley sought to be vacated and which alley is depicted on the plat map (an unimproved alley used as a parking lot by Petitioner Addy), attached to this Ordinance as Exhibit A, (“Alley”); and

**WHEREAS**, as depicted in Exhibit A, the Alley is sixteen and five-tenths (16.5) feet in width.

**WHEREAS**, because Petitioners are the owners of the only properties which about the alley, no notice of Council’s intention to vacate the Alley was required under R.C. 723.06.

**WHEREAS**, Council has conducted a public hearing on the Petition;

**NOW, THEREFORE**, be it ordained by the Council of the Village of Newcomerstown, that a majority of the members elected concurring:

**Section 1:** The Village Council finds and determines that the vacation of the Alley described in the Petition and this Ordinance will not be detrimental to the general interest, that good cause exists for the vacation of such Alley, and that the vacation of such Alley ought to be made.

**Section 2:** The Alley which runs in an east-west direction between Lot 156 and Lot 1224 within the Village of Newcomerstown, Township of Oxford, County of Tuscarawas and State of Ohio, shall be vacated: The northern 8.25 feet (0.037 acres) to Lot 156 titled to Thomas G. Addy and Kelly M. Addy, PPN 45-01299.000, Volume 655, Page 208 Tuscarawas County Deed Records (Exhibit B) and the southern 8.25 feet (0.037 acres) to lot 1224 titled to Jill A. Little, PPN 45-00010.000, Volume 1126, Page 1689 Tuscarawas County Official Records (Exhibit C).

**Section 3:** The Village Council finds and determines that because there are no other abutting property owners to the Alley other than the Petitioners, and because the Petitioners have consented to the vacation of the Alley in the Petition, notice of the Council’s intention to vacate the Alley is not required to be given under the provisions of R.C. 723.06.

**Section 4:** The Mayor and Fiscal Officer of the Village are authorized and directed to endorse upon the vacation plat for the Alley presented to Village Council,

the actions of this Council in vacating the Alley and to have Petitioner's agent, Alban Title Co., cause the vacation plat and this ordinance to be recorded in the office of the Tuscarawas County, Ohio Recorder.

**Section 5:** The Clerk of this Council is respectfully directed to cause a certified copy of this Ordinance to be filed in the office of the Tuscarawas County Recorder and properly indexed therein and to further cause a certified copy of this Ordinance to be filed in the office of the Tuscarawas County Auditor.

**Section 6:** This Ordinance is to be an emergency measure necessary for the immediate preservation of the peace, health and safety of the citizens of Newcomerstown, Ohio for the reason that the Village is in immediate need of legal counsel and shall take effect at the earliest date provided by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Vote of Council: Roll Call Vote:	Ayes	Nays
Heather M. Stein-Wells	_____	_____
Jim Friel	_____	_____
Randy Little	_____	_____
Allen Collins	_____	_____
Jay Lambes	_____	_____
David Shepherd	_____	_____

**Approved:**

\_\_\_\_\_  
**Patrick M. Cadle, Mayor**

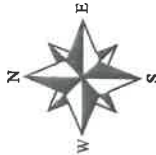
**Attest:**

\_\_\_\_\_  
**Lisa Stiteler, Fiscal Officer**

**Approved As To Form:**

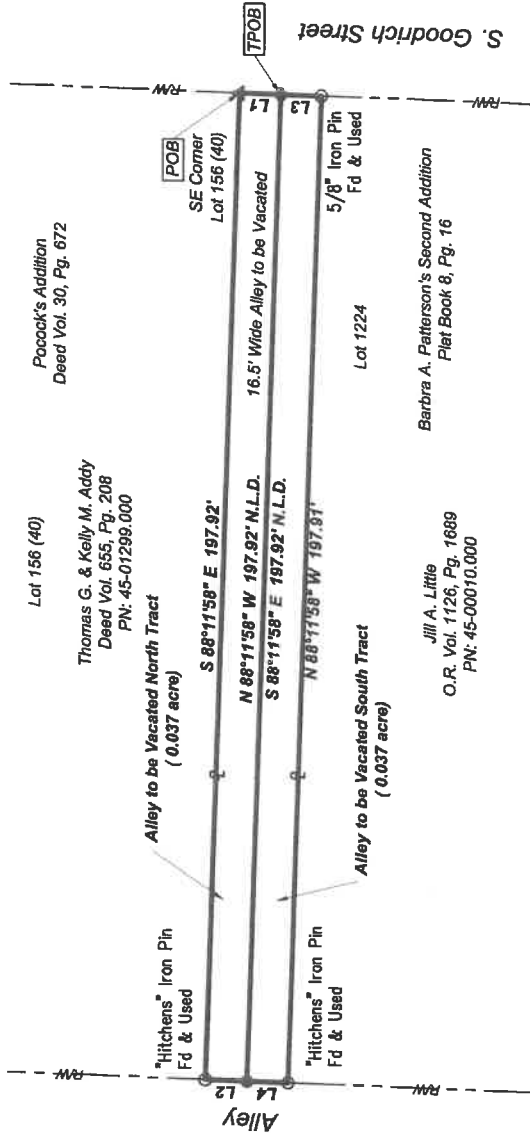
\_\_\_\_\_  
**Robert R. Stephenson II, Solicitor**

RRS/ld



- RW - Right-of-Way
- P - Property Line
- E - Centerline
- POB - Place/Point of Beginning
- TPOB - True Place/Point of Beginning
- R&U - Record & Used
- C - Calculated
- M - Measured
- R - Record
- - Iron Pin Set
- ▲ - Mag Nail Set
- - Iron Pin Found
- ◎ - Iron Pipe Found
- △ - Monument Found as Noted
- - Stone Monument Found

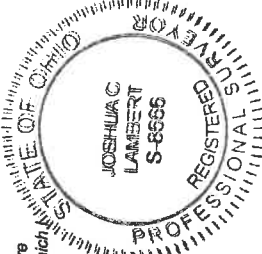
Situated in the Village of Newcomerstown,  
County of Tuscarawas and State of Ohio,  
being all of an Alley Deeded to City in  
Deed Vol. 90, Pg. 176.



LINE	BEARING	DISTANCE
L1	S 01°42'30" W	8.25'
L2	N 01°39'15" E	8.25'
L3	S 01°42'30" W	8.25'
L4	N 01°39'15" E	8.25'

This is to certify that, at the request of the owner, I have surveyed and plotted the parcel of land shown hereon in accordance with the provisions of Chapter 4733-37 of the Ohio Administrative Code. Monuments were found or set as indicated hereon. Dimensions are expressed in US Survey Feet and decimal parts thereof. All of which certify to be correct to the best of my knowledge and belief.

*Joshua C. Lambert*  
 Joshua C. Lambert  
 Registered Professional Surveyor No. S-8666  
 State of Ohio



The Basis of Bearing is Ohio State Plane Coordinates,  
North Zone, NAD 1983.  
 Iron pins set are 30" x 3/4" steel rod with plastic cap  
 stamped "DIVERSIFIED ENGINEERING".

Reference used:  
 County Auditor's Tax Maps  
 Deeds as noted hereon  
 Surveys on File at the County Map Office



ISSUE DATE 2/08/21 SCALE 1" = 30'  
 SURVEYED BY JGG DATE 9/24/20  
 DRAWN BY JCL DATE 2/08/21  
 CHECKED BY JCL DATE 2/08/21  
 FILE ID: DEI-7201 ALLEY VACATION

**Diversified Engineering Inc.**  
 CONSULTING ENGINEERS & SURVEYORS  
 115 BAY AVENUE, SUITE 100  
 NEW PHILADELPHIA, OH 44663  
 WWW.DESI-PA.COM

PLAT OF SURVEY  
 Jill A. Little  
 362 S. Goodrich Street  
 Newcomerstown, Ohio 43832

1 / 1



**DESCRIPTION OF A 0.037 ACRE PARCEL NORTH TRACT**

Situated in the Village of Newcomerstown, County of Tuscarawas and State of Ohio and being part of an alley conveyed to said Village of Newcomerstown as recorded in Deed Volume 90, Page 176 of the Tuscarawas County Deed Records, and more fully bounded and described as follows:

**Beginning** at a mag nail set at the southeast corner of Lot 156 (40) as shown on Pocock's Addition as recorded in Deed Volume 30, Page 672 of the Tuscarawas County Deed Records, said point being the **True Place of Beginning** for the parcel of land herein described;

Course No. 1; Thence S 01°42'30" W, along a westerly line of Goodrich Street, a distance of 8.25 feet to an iron pin set;

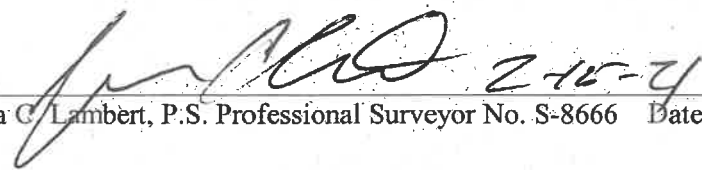
Course No. 2; Thence N 88°11'58" W, along the centerline of said alley and being a new line of division, a distance of 197.92 feet to an iron pin set;

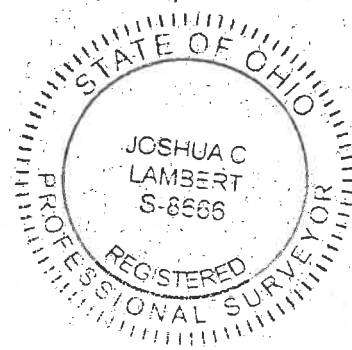
Course No. 3; Thence N 01°39'15" E, along an east line of an alley, a distance of 8.25 feet to a "Hitchens" iron pin found;

Course No. 4; Thence S 88°11'58" E, along a southerly line of said Lot 156 (40), a distance of 197.92 feet to the **True Place of Beginning** and containing 0.037 acres of land, more or less, as surveyed by Joshua C. Lambert, P.S., Ohio Registration No. S-8666, for Diversified Engineering Inc., in February 2021, but subject to all legal roads, highways, rights of way, easements and leases of record.

The Basis of Bearing is Ohio State Plane Coordinates, North Zone, NAD 1983.

All iron pins set are 30 inch X 3/4 inch round steel bars with plastic caps stamped "DIVERSIFIED ENGINEERING".

 2-16-21  
Joshua C. Lambert, P.S. Professional Surveyor No. S-8666 Date



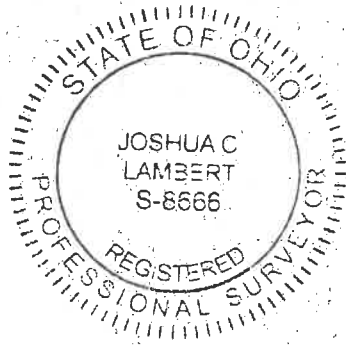
Inverse With Area North Tract  
15:13:36 2021

Mon Feb 08

PntNo	Bearing	Distance	Northing	Easting	Description
2008			221405.51	2216644.84	
	S 01°42'30" W	8.25			
2007			221397.26	2216644.60	
	N 88°11'58" W	197.92			
PP			221403.48	2216446.78	
	N 01°39'15" E	8.25			
PP			221411.73	2216447.02	
	S 88°11'58" E	197.92			
2008			221405.51	2216644.84	

Closure Error Distance > 0.0000  
Total Distance Inversed > 412.34

Area: 0.037 Acres



*JCL*  
2-15-21



**DESCRIPTION OF A 0.037 ACRE PARCEL SOUTH TRACT**

Situated in the Village of Newcomerstown, County of Tuscarawas and State of Ohio and being part of an alley conveyed to said Village of Newcomerstown as recorded in Deed Volume 90, Page 176 of the Tuscarawas County Deed Records, and more fully bounded and described as follows:

**Beginning** at a mag nail set at the southeast corner of Lot 156 (40) as shown on Pocock's Addition as recorded in Deed Volume 30, Page 672 of the Tuscarawas County Deed Records; Thence S 01°42'30" W, along a westerly line of Goodrich Street, a distance of 8.25 feet to an iron pin set, said point being the **True Place of Beginning** for the parcel of land herein described;

Course No. 1; Thence S 01°42'30" W, along said westerly line of Goodrich Street, a distance of 8.25 feet to a 5/8" iron pin found;

Course No. 2; Thence N 88°11'58" W, along the north line of Lot 1224 as shown on Barbara A. Patterson's Second Addition as recorded in Plat Book 8, Page 16 of the Tuscarawas County Plat Records, a distance of 197.91 feet to a "Hitchens" iron pin found;

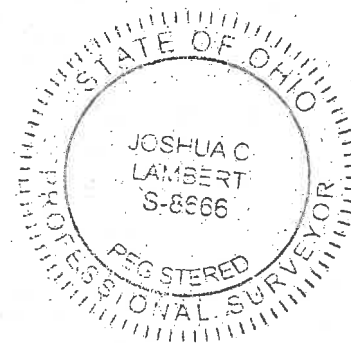
Course No. 3; Thence N 01°39'15" E, along an east line of an alley, a distance of 8.25 feet to an iron pin set;

Course No. 4; Thence S 88°11'58" E, along the centerline of said alley and being a new line of division, a distance of 197.92 feet to the **True Place of Beginning** and containing 0.037 acres of land, more or less, as surveyed by Joshua C. Lambert, P.S., Ohio Registration No. S-8666, for Diversified Engineering Inc., in February 2021, but subject to all legal roads, highways, rights of way, easements and leases of record.

The Basis of Bearing is Ohio State Plane Coordinates, North Zone, NAD 1983.

All iron pins set are 30 inch X 3/4 inch round steel bars with plastic caps stamped "DIVERSIFIED ENGINEERING".

 2-15-21  
Joshua C. Lambert, P.S. Professional Surveyor No. S-8666 Date



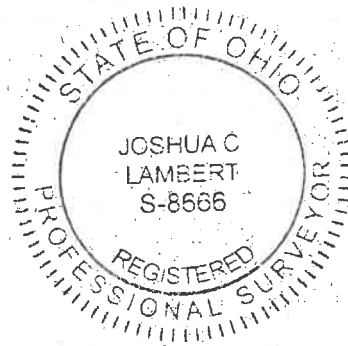
Inverse With Area South Tract  
2021

Mon Feb 08 15:14:29

PntNo	Bearing	Distance	Northing	Easting	Description
2007			221397.26	2216644.60	
	S 01°42'30" W	8.25			
PP			221389.02	2216644.35	
	N 88°11'58" W	197.91			
PP			221395.23	2216446.54	
	N 01°39'15" E	8.25			
PP			221403.48	2216446.78	
	S 88°11'58" E	197.92			
2007			221397.26	2216644.60	

Closure Error Distance > 0.0000  
Total Distance Inversed > 412.32

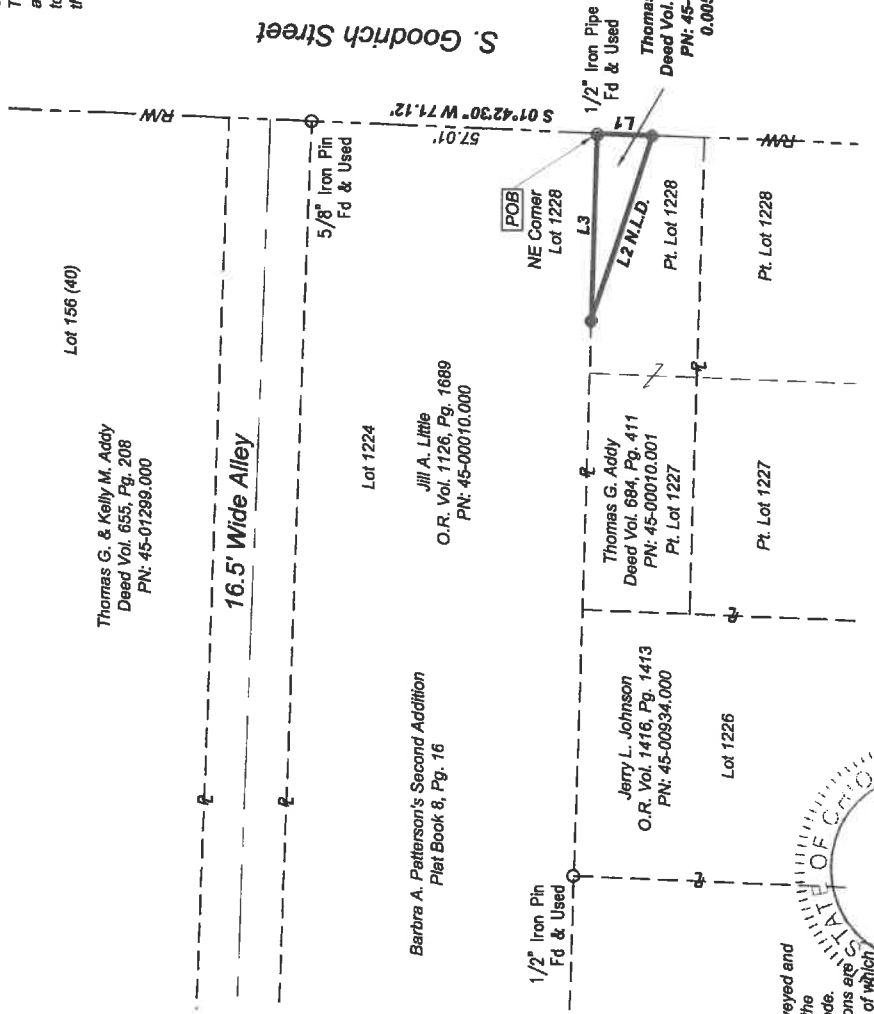
Area: 0.037 Acres



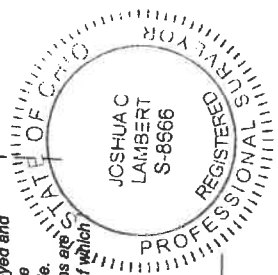
*JCL*  
2-15-24

Situated in the Village of Newcomerstown, County of Tuscarawas and State of Ohio, being part of Lot 1228 as shown on Barbara A. Patterson's Second Addition to said Village as recorded in Plat Book 8, Page 16 of the Tuscarawas County Plat Records.

LINE	BEARING	DISTANCE
L1	S 01°42'30" W	10.93'
L2	N 72°13'02" W	39.10'
L3	S 88°27'19" E	37.57'



The Basis of Bearing is Ohio State Plane Coordinates, North Zone, NAD 1983.  
 Iron pins set are 30" x 3/4" steel rod with plastic cap stamped "DIVERSIFIED ENGINEERING".



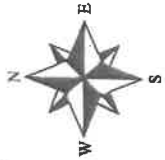
This is to certify that, at the request of the owner, I have surveyed and platted the parcel of land shown hereon in accordance with the provisions of Chapter 4733-37 of the Ohio Administrative Code. Monuments were found or set as indicated hereon. Dimensions are expressed in US Survey Feet and decimal parts thereof. All of which certify to be correct to the best of my knowledge and belief.

*Joshua C. Lambert*  
 Joshua C. Lambert  
 Registered Professional Surveyor No. S-8666  
 State of Ohio  
 Date 2-15-21

ISSUE DATE 2/8/21 SCALE 1" = 30'  
 SURVEYED BY JGG DATE 9/24/20  
 DRAWN BY FDO DATE 2/8/21  
 CHECKED BY JCL DATE 2/8/21  
 FILE ID: DE17201 LOT SPLIT



PLAT OF SURVEY  
 Thomas G. Addy  
 South Goodrich Street  
 Newcomerstown, Ohio 43832



- RW - Right-of-Way
- ℙ - Property Line
- ℭ - Centerline
- POB - Place/Point of Beginning
- TPOB - True Place/Point of Beginning
- R&U - Record & Used
- C - Calculated
- M - Measured
- R - Record
- N.L.D. - New Line of Division
- - Iron Pin Set
- ▲ - Mag Nail Set
- - Iron Pin Found
- ⊙ - Iron Pipe Found
- △ - Monument Found as Noted
- - Stone Monument Found