

FOR VILLAGE USE ONLY

Date Application received _____ By _____ Fee paid? Yes No _____
Date referred by Council to Planning Commission _____ Publication Needed? Yes No _____
Date approved/denied by Planning Commission _____ Publication _____
Date approved/denied by Council _____ Publication _____

Comments:

INSTRUCTIONS FOR PETITION

Village of Smithville, Ohio

APPLICATION PROCEDURE

Ohio RC §723.06 Notice Not Required.

Notice of the intention of the legislative authority of a municipal corporation to vacate any street, alley, avenue, or part thereof shall be given as provided in Section 723.07 of the Revised Code, except when written consent to such vacation is filed with the legislative authority by the owners of the property abutting the part of the street or alley proposed to be vacated, in which case such notice shall not be required.

Ohio RC §723.07 Notice of application to be published.

No street or alley shall be vacated or narrowed unless notice of the pendency and prayer of the petition under Section 723.04 of the Revised Code is given by publishing, in a newspaper of general circulation in such municipal corporation, for six consecutive weeks preceding action on such petition, or as provided in §7.16 of the Revised Code preceding action on the petition. Where no newspaper is of general circulation in the municipal corporation, notice shall be given by posting the notice in three public places therein six weeks preceding such action. Action thereon shall take place within three months after the completion of the notice.

1. The petition must be signed by ALL abutting property owners and submitted to Village Council for approval. The requested street, avenue, or alley shall be marked or highlighted on an attached plat.
2. If a husband and wife jointly own a property, BOTH parties must sign the petition. If ALL abutting property owners do not sign the petition, it is a much lengthier process.
3. Any public utility located in said street, avenue, or alley shall be deemed to have a permanent easement.
4. The Clerk of Council will submit the application to the Planning Commission for approval, disapproval, or recommended modifications. The Planning Commission may hold a public hearing on any proposed petition at their next monthly meeting after publication, if applicable.
5. After receipt of the Planning Commission’s recommendation, Council shall hold a public hearing before adoption of the proposed petition.
6. Please keep in mind that this may be a **lengthy process**. The Planning Commission has 30-60 days; Village Council has a minimum of 30 days, depending on how soon the matter is reported out of Committee; **and** after approved by Council, there is a thirty (30) day waiting period.
7. The fee for petition for change of name, vacating, or narrowing streets is **\$200.00**. This fee is payable at time of submission of application.