



November 19, 2021

LEGAL NOTICE

The City Commission has declared its intent to vacate an unimproved alley and an unimproved portion of Scudder Street, north of Robinson Ave and South of Lindsey St. "Unimproved" means that the area was platted but never developed as a road. The public may view the full details of this vacation by visiting [piquaoh.org](http://piquaoh.org) on the homepage "In the News" section. Those who wish to discuss this vacation of platted public right of way may do so at the Planning Commission meeting to be held on Tuesday, December 14, 2021 at 6:00 P.M. in the Commission Chambers, located on the 2<sup>nd</sup> floor of the Municipal Government Complex, 201 West Water Street, Piqua, Ohio. Please contact the City Planner for any questions.

Contact:      Kyrsten French  
                    City Planner  
                    (937) 778-2049  
                    kfrench@piquaoh.org

PUBLISH:      Friday, November 26 2021

**RESOLUTION NO. R-107-21**

**A RESOLUTION OF INTENT TO VACATE UNIMPROVED SCUDDER STREET AND ADJACENT ALLEY RIGHT OF WAY**

WHEREAS, pursuant to Piqua Charter Section 98, this Commission must adopt a resolution expressing its intention to vacate platted right-of-way located prior to such action being considered; and,

WHEREAS, a petition requesting the vacation of certain portions of public right of way known as Scudder Street and an adjacent 12-foot wide alley right of way, both unimproved, as described in Exhibit "A" attached hereto, has been filed with the Clerk of Commission;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: This Commission hereby intends to vacate portions of public right of way known as Scudder Street and an adjacent 12-foot wide alley right of way, both unimproved, as described in Exhibit "A" attached hereto. The City Manager or his duly authorized representative is hereby directed to cause notice of this Resolution to be served by certified mail upon all persons whose property abuts said tract. Said notice shall state the time and place at which objections can be heard by the Planning Commission.

SEC. 2: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
KRIS LEE, MAYOR

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
KAREN S. JENKINS  
CLERK OF COMMISSION

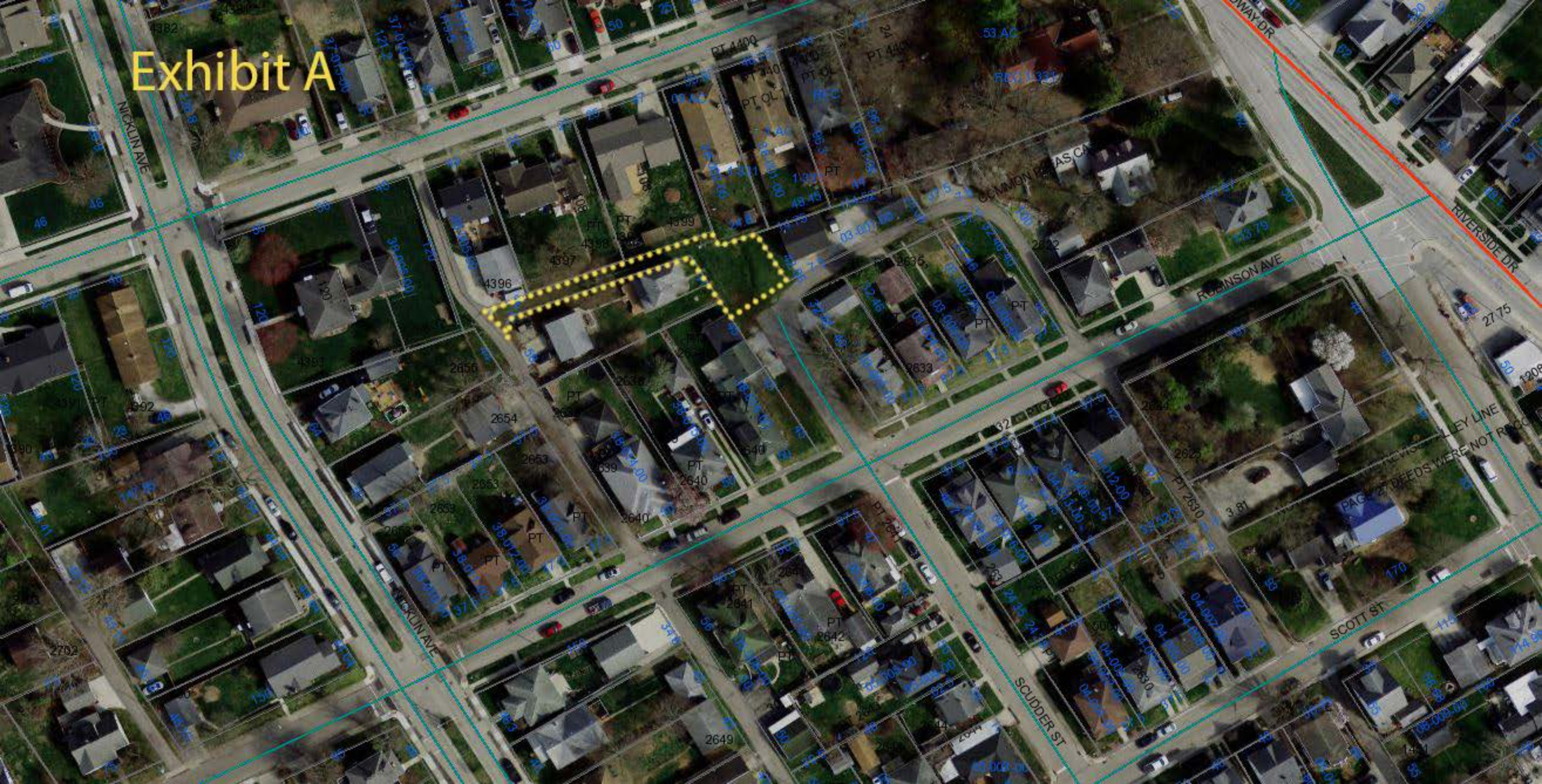
The Motion to adopt the foregoing Resolution was offered by \_\_\_\_\_  
seconded by \_\_\_\_\_ and on roll call the following vote ensued:

Mayor Kris Lee	_____
Commissioner Thomas Fogt	_____
Commissioner Cindy Pearson	_____
Commissioner Kathryn B. Hinds	_____
Commissioner Chris Grissom	_____

## Commission Agenda Staff Report

<b>MEETING DATE</b>	November 16, 2021		
<b>REPORT TITLE</b>	<b>A RESOLUTION OF INTENT TO VACATE UNIMPROVED SCUDDER STREET AND ADJACENT ALLEY RIGHT OF WAY</b>		
<b>SUBMITTED BY</b>	Name & Title: Chris Schmiesing, Development Department Director		
	Department: Development		
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Regular
<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> City Manager		<input type="checkbox"/> Acting Finance Director
	<input checked="" type="checkbox"/> Department Director		<input type="checkbox"/> Law Director
	<input type="checkbox"/> Other:		
<b>BACKGROUND</b>	<p>Jeri Sweitzer, owner of 613 Lindsay St. and 1306 Scudder St. has petitioned the City to vacate the unimproved portion of Scudder St and the 12' unimproved alley that runs along 1306 Scudder St. She would like to improve a portion of the property she would gain to connect 1306, a residence that fronts Scudder without actually being adjacent to any existing road improvement, with a private driveway.</p> <p>She is working with a surveyor to complete a replat. The proposed replat will grant an easement to the City for the area to be vacated for any utility access needs, current and future, to the land. All adjacent property owners have been notified, and City departments have reviewed the change with no objections. The applicant will pay for all expenses relating to this vacation.</p>		
<b>BUDGETING AND FINANCIAL IMPACT</b>	Budgeted \$:	\$0	
	Expenditure \$:	\$0	
	Source of Funds:	NA	
	<b>Narrative:</b>	Approving the resolution will allow the vacation request to go to Planning Commission for a public hearing	
<b>OPTIONS</b>	1.	Approve the Resolution	
	2.	Do not approve the Resolution	
<b>PROJECT TIMELINE</b>	November 16, 2021 – A resolution of intent to vacate December 14, 2021 – Public hearing with the Planning Commission December 21, 2021 – An ordinance to vacate		
<b>STAFF RECOMMENDATION</b>	Approve the resolution		
<b>ATTACHMENTS</b>	Resolution, Exhibit A, Application		

# Exhibit A



Application for Vacation of Public Right of Way

1. Applicant's Name: Jeri Sweitzer Phone: 937-570-0928  
 Applicant's Address: 613 Lindsey ST Piqua
2. Owner's Name: Jeri Sweitzer Phone: 937-570-0928  
 Owner's Address: 1306 Scudder ST Piqua
3. Type of legal interest held by applicant: We maintain & integrate to EXISTING LOTS,
4. Location of Public Right of Way Vacation Request:  
1306 Scudder ST - 12 FOOT STRIP & FRONT OF HOUSE
5. Describe the reason for the requested Vacation of Public Right Of Way:  
We have maintained (12 FT strip) FOR 13 years.  
\* We have maintained (FRONT) OF HOUSE FOR 13 years, and there is a safety need to add a driveway to connect to scudder ST.
6. Property owners adjacent to Right-Of-Way to be vacated:

\* see additional pages -

(2)

Name	Address	Signature
Jeri Sweitzer	613 Lindsey ST	Jeri Sweitzer
Jeri Sweitzer	1306 Scudder ST	Jeri Sweitzer
Thomas A. Bertsch	605 Lindsey ST	Thomas A. Bertsch
Tom Koehl	601 Lindsey ST	Thomas A. Koehl
<del>Robert E. Carroll</del>	<del>510 Robinson Ave</del>	
Kascy Lewker	512 Robinson	Kascy Lewker

Signature of Applicant Jeri Sweitzer Date \_\_\_\_\_

\*\*\*\*\*OFFICE USE ONLY\*\*\*\*\*

\$100.00 Fee Paid	Date Fee Paid
Receipt No.	Received By:

PIQUA Corporation

N.W. SECTION

PLAT NO 84  
SCALE 1-INCH=30 FEET

Rec. BK. 2 Pk. 221 - Lots 4393-4399

STREET

Scudder  
to be  
Vacated

LINDSEY

AVENUE



PT. 4393

PT. 4394  
John W Decker  
DB 800-310

PT. 4395

PT. 4396  
Mark E. &  
Janelene A.  
Sawitler  
DB 9715-772

PT. 4397  
Thomas A &  
Suzie Lynn  
Bartsch  
20160K 0140

PT. 4398

PT. 4399  
Thomas A.  
Ann M.  
Kroll  
DB. 550-  
724

Lot 7-93  
Sur. BK. 7993

2655  
Lucas MANTOOTH &  
DIANA LILIBETH MENDOZA ALVAREZ  
2019OR-10845

2654  
Richard L. & Sonja A. LYMAN  
2020 OR-04231

2653  
Darryl W.  
Kerns  
A.B. 12 161

2652  
KyrreStone  
Holdings,  
LLC.  
2019OR-02883

PT. 2637  
Mark R. & Jennifer A.  
Sawitler  
2010OR-17481

PT. 2638

PT. 2639  
Ted C. & Cheryl A.  
Willis  
DB 971-246

PT. 2639  
Christina O.  
Joyce A. Kroll  
A.B. 1248-127  
2010OR-10784

PT. 2640

PT. 2640

Rec BK 2 Pg. 73  
Lots 2637 - 2640  
Lots 2652 - 2655

12' Alley  
to be  
vacated



City Planning Commissioners:

**1306 Scudder St. Front of house.**

On May 10, 2020 I had to unfortunately call 911 for my son at his house located at 1306 Scudder St. During the frantic call, I was told that 1306 Scudder St in Piqua OH, was not in their emergency system. I had to lead the ambulance and police to 613 Lindsey St (behind my house in the alley) to care for my son.

The outcome was devastating, and our son did not survive. The first responders, could not have saved him, even if his address was in the system, but "WHAT IF"? What if those few more minutes could have made a difference, and may make a difference for someone in the future.

During the winter time, when it snows, the mail service and several deliveries cannot make their deliveries safely to the mail box because of the way the yard dips away from the existing Scudder St, therefore leading to lost mail and etc.

I am asking the commissioners to vacate the front of 1306 Scudder St, so we can connect a driveway to Scudder St. and make it not only safer for the future occupants of 1306 Scudder St, but also for the mail delivery and etc.

**1306 Scudder St. - 12 Foot strip connecting to lots**

I am asking the Commissioners to vacate the 12 Foot strip that was once proposed for an alley, and was never dedicated. We have maintained this strip for 13 years. No one else has mowed or tended to it in the abutted lots. (See application).

I understand there is an necessary easement to work on the utilities. I just want the strip and the front of the house to be closed to public way.

Thank You

Jeri Sweitzer

937-570-0928