

TEMPORARY ORDINANCE NO. 11-12

PERMANENT ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO VACATE PART OF A PUBLIC ALLEY ALONG THE NORTH PROPERTY LINE OF 135, 137, AND 141 WEST WHEELING STREET

WHEREAS, the Planning Commission approved on July 12, 2012, vacating with conditions, the above property; and

WHEREAS, the City must pass an ordinance to vacate any part of a public alley; and

WHEREAS, published notice of the filing of the petition is necessary pursuant to Ohio Revised Code since contiguous property owners did not sign the petition; and

WHEREAS, the City pursuant to Ohio Revised Code 723.04 shall conduct a public hearing with notice of said hearing published in newspaper twice;

BE IT ORDAINED by the Council of the City of Lancaster, Fairfield County, State of Ohio

SECTION 1. That the City hereby vacates part of a public alley along the north property line of 135, 137, and 141 West Wheeling Street, described in Exhibit A. The Commission recommended the vacation contingent upon the following conditions:

- a. The Petitioner shall prepare all documents and surveys needed for legislation, recording documents and any deeds;
- b. The Petitioner is responsible for all costs associated with the vacation, including but not limited to all survey costs, legal advertising costs, and recording costs.
- c. The Petitioner will successfully work with the utility owners for relocation of the existing facilities; relocation costs shall be at the petitioner's expense since the utilities maintain an easement upon vacation;
- d. The Petitioner shall make improvements to the cross-alley intersection that will allow sanitation trucks to navigate the turn. Currently the turn is too tight for those trucks to make the turn.
- e. Prior to vacation, Petitioner shall provide to the Lancaster Engineering Department letters of satisfaction of issues from the Sanitation Department, American Electric Power, Lancaster Gas, and the Lancaster Fire Department.

SECTION 2. That a 15 foot easement is retained for storm sewer, sanitary sewer, water line, and gas line.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_ after \_\_\_\_\_ reading. Vote: Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Clerk: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Offered by: \_\_\_\_\_

Second by: \_\_\_\_\_

Requested by Public Works Committee

**PETITION TO VACATE A PORTION OF  
A PUBLIC ALLEY RIGHT-OF-WAY**

**Planning Commission  
July 12, 2012**

**CASE NO.:** 2012-007

**PETITIONER:** Standing Stone National Bank  
Barry W. Ritchey, President and CEO  
P. O. Box 2610 / 137 W. Wheeling Street  
Lancaster, Ohio 43130

**Agent:** Nicholas Palladino, Partner  
VPL Architects  
426 East Main Street  
Lancaster, Ohio 43130

**SURVEYOR:** TBD

**PREVIOUS ACTION:** none found

**REQUEST:** To vacate that portion of a public alley running east and west behind 135, 137 and 141 West Wheeling Street. A survey plot of the proposed vacation and adjoining parcels was not provided. A map delineating the proposed vacation is attached.

**PURPOSE:** Standing Stone Bank's operations and number of clients have increased such that it has outgrown its current facility. The bank has tried unsuccessfully to acquire the property to the west for expansion, but has been able to acquire the properties to the north across the subject alley. The requested alley vacation is necessary for its expansion. The proposed expansion will fulfill two needs for Standing Stone National Bank; 1. gain additional area for required administrative offices; 2. Gain additional area for providing their customers new banking services. The new administrative office requires the new building to be as close as possible for banking personnel interaction and internal security. The new facility will be constructed against the north wall of the existing

drive-up banking canopy. The drive-up canopy roof will be reconstructed to provide a "corridor-system" for bank personnel to travel between the buildings out of the weather and within a secure setting. The improvement will push the building into the alley, and thus, Standing Stone Bank requests to vacate the alley right-of-way. Expansion of the existing building to the north, and into the alley, is the only option that will allow the bank to expand in this location

#### **ISSUES FOR PLANNING COMMISSION CONSIDERATION:**

1. The right-of-way was dedicated to the public's use on Zane's Original Town Plat, circa 1800.
2. The right-of-way is an improved 12-foot alley.
3. The petitioner owns both sides of the alley along the proposed section to be vacated.
4. Any public utility located in the vacated portion of the right-of-way would retain an easement to maintain and replace its lines. If lines are to be relocated, the petitioner will be responsible for those costs.
5. The public utilities in addition to the City's safety forces were notified of the petition and their responses are attached to the end of this report. The vacation will create issues for the City's Sanitation Division and AEP Ohio.

#### **RECOMMENDATION:**

Approval of the requested vacation will affect the adjoining property owners' use of the alley by blocking a section of it. However, the local business requesting the vacation cannot expand its operations at its present location without the vacation. The City's Sanitation Division and AEP Ohio have issues with the vacation due to its effect on each entity's ability to serve its customers. If those concerns can be addressed, we recommend approval of the vacation upon compliance with the following contingencies:

1. The petitioner shall prepare all documents and surveys needed for legislation, recording documents and any deeds.
2. The petitioner shall pay all costs associated with the vacation of the right-of-way, including but not limited to survey costs, legal advertising costs and recording costs.

3. The petitioner work with the utility owners for relocations of the existing facilities; relocation costs shall be at the petitioner's expense since the utilities maintain an easement upon vacation.
4. The petitioner shall make improvements to the cross-alley intersection that will allow Sanitation trucks to navigate the turn; it is too tight for those trucks to make the turn now.

**COMMISSION ACTION:**

Mr. Baker made a motion to approve the vacation with the contingencies as listed in the Engineering report; motion was seconded by Mayor Smith. Mr. Dye, Mr. Baker, Mr. Wilkins and Mayor Smith voted to approve, Service-Safety Director Courtney voted to oppose and Ms. Collins abstained from the vote. The motion to approve carried by the majority vote.

**EXHIBITS:**

PC 2012-007 Alley Vacation Petition  
PC 2012-007 Exhibit A - GIS Map

## PLANNING COMMISSION CASE 2012-007

### ALLEY VACATION RESPONSES

#### E-MAIL NOTIFICATION

**From:** Mark, Rick  
**Sent:** Friday, June 08, 2012 10:26 AM  
**To:** C. HORNE AT&T; stringer@scp.utilities.com; D. Daubenmire, AEP; Topf, Hank; Shamblin, Toby; Gundelfinger, Andy; Bailey, Dave; Crews, Denise; Ward, David; Mattlin, Jack; Nixon, Mike; Overton, Mitch; Martin, Paul; Menz, Paul; Pettit, Mike; ray.mauer@twcable.com  
**Subject:** Alley Vacation Petition

The City Planning Commission has received a petition to vacate the alley described below and in the attached petition. The petition will be heard during the July 12, 2012 City Planning Commission meeting. The Standing Stone Bank submitted the petition to vacate the alley to the rear of its facility at 135, 137 and 141 W. Wheeling St. The subject east-to-west alley lies between W. Mulberry St. and W. Wheeling St. and runs between N. Columbus St. and N. Broad St.

Please review and inform us as to any facilities that you may have in the alley. Also, inform us as to any concerns or problems that this vacation may create for your operations. We will provide the Commission with a copy of all responses received.

**Responses should be addressed to the City Planning Commission, and returned to this office no later than July 6, 2012 to be included in the report to the Commission.**

Richard L. Mark, P.E.

City of Lancaster | Engineering Department | 121 E. Chestnut St., #100 | Lancaster, Ohio  
43130-3825  
voice: 740.687.6614 | fax: 740.681.5030 | [rmark@ci.lancaster.oh.us](mailto:rmark@ci.lancaster.oh.us)

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#### WATER POLLUTION CONTROL

**From:** Menz, Paul  
**Sent:** Friday, June 08, 2012 10:54 AM  
**To:** Mark, Rick; C. HORNE AT&T; stringer@scp.utilities.com; D. Daubenmire, AEP; Topf, Hank; Shamblin, Toby; Gundelfinger, Andy; Bailey, Dave; Crews, Denise; Ward, David; Mattlin, Jack; Nixon, Mike; Overton, Mitch; Martin, Paul; Pettit, Mike; ray.mauer@twcable.com  
**Subject:** RE: Alley Vacation Petition

Looks okay, sewer is in front.

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**SANITATION DIVISION**

**From:** Martin, Paul  
**Sent:** Friday, June 08, 2012 11:47 AM  
**To:** Menz, Paul; Mark, Rick; C. HORNE AT&T; stringer@scp.utilities.com; D. Daubenmire, AEP; Topf, Hank; Shamblin, Toby; Gundelfinger, Andy; Bailey, Dave; Crews, Denise; Ward, David; Mattlin, Jack; Nixon, Mike; Overton, Mitch; Pettit, Mike; ray.mauer@twcable.com  
**Subject:** RE: Alley Vacation Petition

Sanitation Dept does drive down that full length of alley more than once a week to service the dumpsters and on Wednesday we get the trash cans/bags on the ground. Vacating this portion of alley might cause us some difficulty, but we might be able to work around it somehow.

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**POLICE**

**From:** Bailey, Dave  
**Sent:** Friday, June 08, 2012 1:01 PM  
**To:** Mark, Rick; C. HORNE AT&T; stringer@scp.utilities.com; D. Daubenmire, AEP; Topf, Hank; Shamblin, Toby; Gundelfinger, Andy; Crews, Denise; Ward, David; Mattlin, Jack; Nixon, Mike; Overton, Mitch; Martin, Paul; Menz, Paul; Pettit, Mike; ray.mauer@twcable.com  
**Subject:** RE: Alley Vacation Petition

No issues for LPD.

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**LANCASTER MUNICIPAL GAS**

**From:** Topf, Hank  
**Sent:** Friday, June 08, 2012 12:31 PM  
**To:** Mark, Rick  
**Subject:** RE: Alley Vacation Petition

We have a 4" LP Main in the alley that would need moved to meet their building needs, if Standing Stone covers cost and gives LMG a Right of Way Easement for new main.

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**FIRE**

**From:** Ward, David  
**Sent:** Friday, June 08, 2012 12:30 PM  
**To:** Mark, Rick  
**Subject:** RE: Alley Vacation Petition

I met with Mr. Barry Ritchie concerning the vacation of the alley. It indicated that he was purchasing another piece of property owned by Mrs. Secoy. The alley going from W. Wheeling to W Mulberry would be wide enough for our apparatus to navigate. LFD will not oppose vacating the East/West alley if he did in fact acquire the needed property to ensure our unimpeded access.

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**PARKS**

**From:** Overton, Mitch  
**Sent:** Monday, June 11, 2012 11:26 AM  
**To:** Mark, Rick; C. HORNE AT&T; stringer@scp.utilities.com; D. Daubenmire, AEP; Topf, Hank; Shamblin, Toby; Gundelfinger, Andy; Bailey, Dave; Crews, Denise; Ward, David; Mattlin, Jack; Nixon, Mike; Martin, Paul; Menz, Paul; Pettit, Mike; ray.mauer@twcable.com  
**Subject:** RE: Alley Vacation Petition

No issues for Parks,

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**DIVISION OF WATER**

**From:** Gundelfinger, Andy  
**Sent:** Tuesday, June 12, 2012 1:16 PM  
**To:** Mark, Rick

**Subject:** RE: Alley Vacation Petition

There are not any known water lines in this alley.

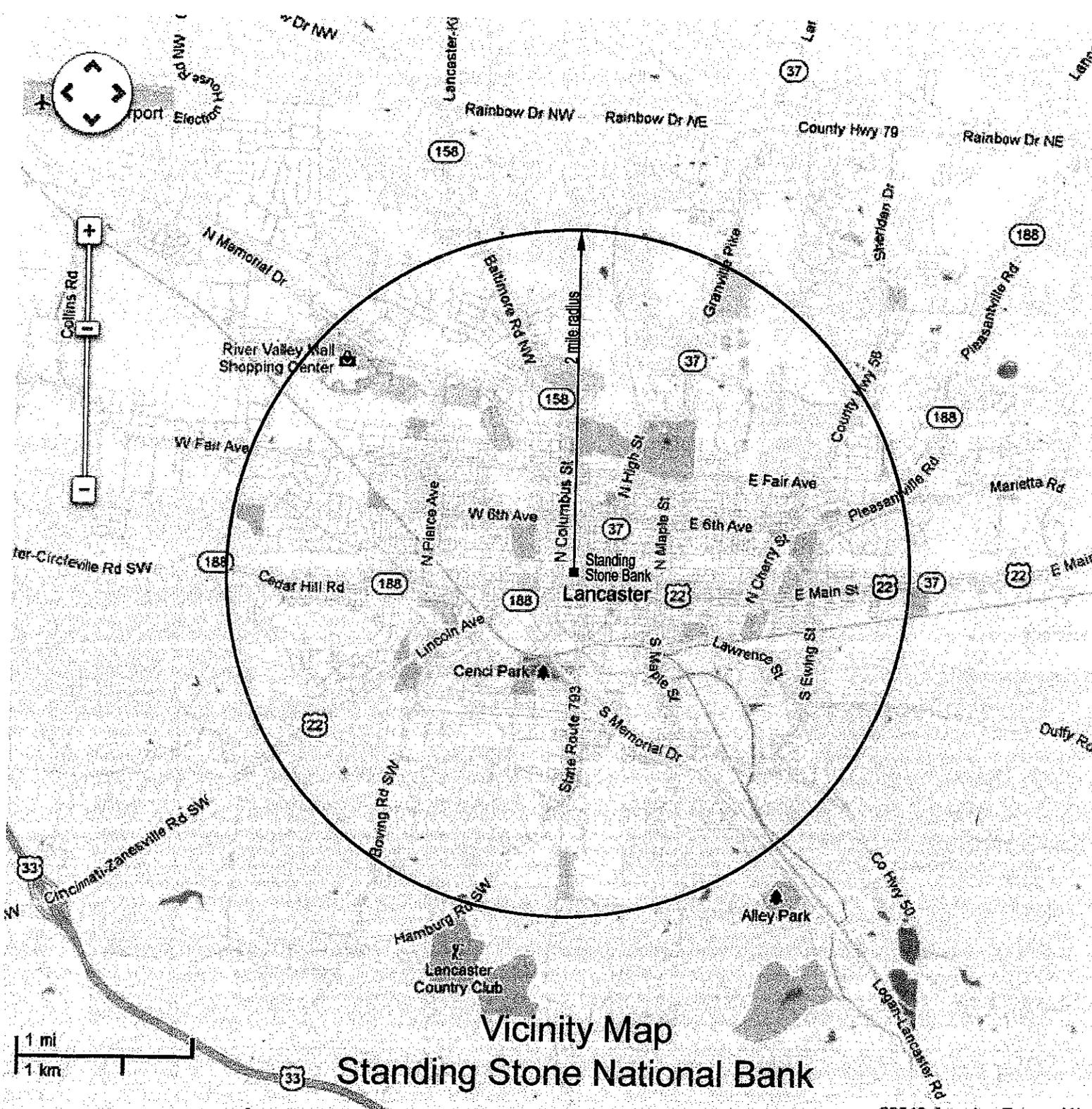
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**AEP OHIO**

**From:** llewandowski@aep.com [llewandowski@aep.com]  
**Sent:** Wednesday, July 04, 2012 12:57 PM  
**To:** Mark, Rick  
**Cc:** dadaubenmire@aep.com; rthardman@aep.com; jdhill@aep.com; djhines@aep.com; rfrichardson@aep.com; jestacy@aep.com; mjtravis@aep.com  
**Subject:** Alley vacation

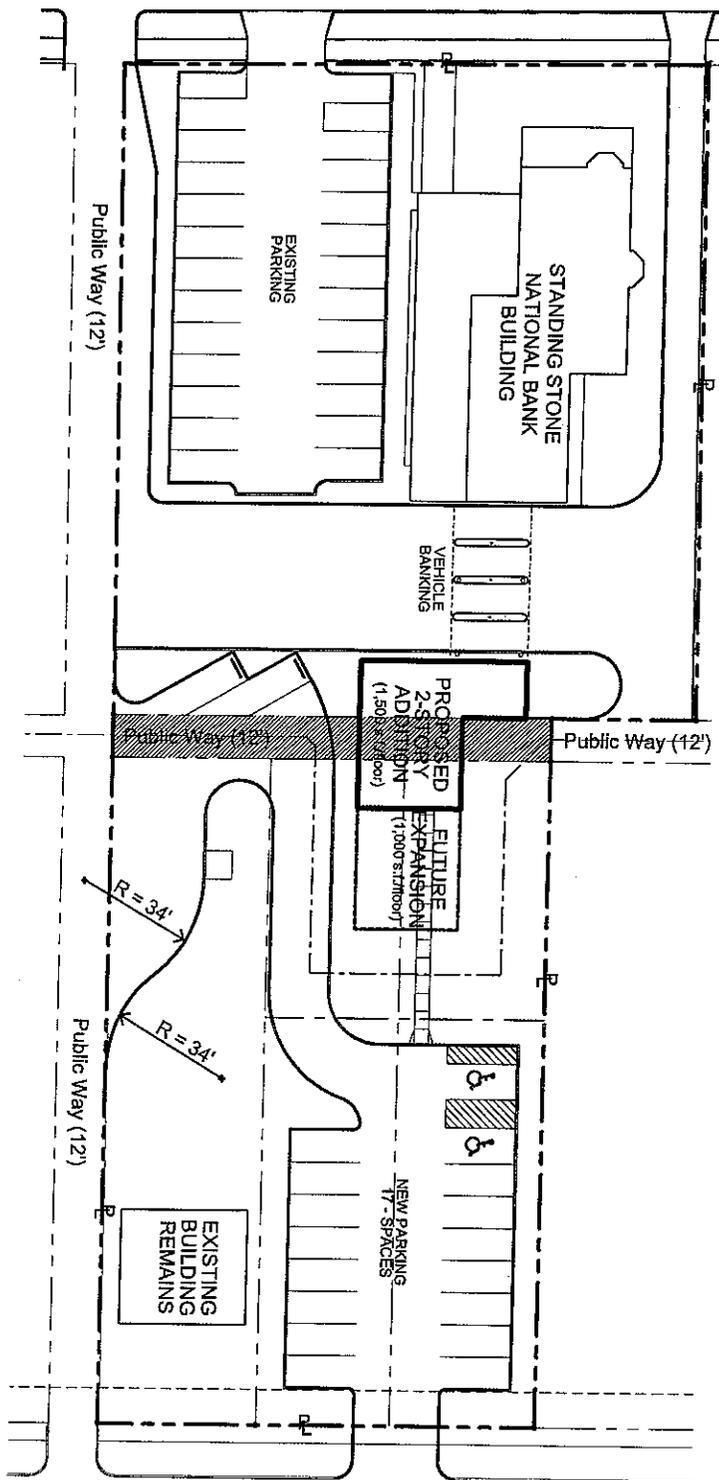
The City Of Lancaster Planning Commissions proposed vacation of the alley bounded by W Wheeling , W Mulberry and N Columbus, N Broad Sts. would present several problems for AEP Ohio. Right Of Way easements would need to be obtained from all property owners and relocation of an overhead primary pole line would be required. Access to our existing facilities for repair/maintenance would also need to be provided. For these reasons, an alley vacation would not be in AEP Ohio's best interests.

Sincerely,  
Len Lewandowski  
AEP OHIO  
Lancaster Service Center  
(740) 689-4720



Vicinity Map  
 Standing Stone National Bank

WHEELING STREET



MULBERRY STREET

PRELIMINARY SITE PLAN  
1" = 40'-0"



**VPL**  
 ARCHITECTS INC  
 426 EAST MAIN STREET  
 LANCASTER, OHIO 43130  
 740.654.4048  
 740.654.3009 (FACS)

<b>STANDING STONE NATIONAL BANK</b> Mulberry Street Lancaster, Ohio	Preliminary Site Plan of Proposed Operations Center	DATE: 08/14/12
		SHEET: 1 of 1