

TEMPORARY ORDINANCE NO. 24-17

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

AN ORDINANCE TO VACATE A PORTION OF UNIMPROVED PUBLIC ALLEY KNOWN AS ZANE ALLEY, AND TO DECLARE AN EMERGENCY

WHEREAS, City personnel have determined that the portion of unimproved public alley known as Zane Alley, as described in Exhibit A attached hereto, and requested for vacation is not needed by the City; and

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

WHEREAS, the City made a previous commitment to the adjoining property owners, subject to City Council approval, to vacate a portion of unimproved public alley known as Zane Alley as described in Exhibit A as part of the redevelopment of the site as set forth in Exhibit B attached hereto; and

WHEREAS, the owner of the adjoining properties is developing plans to market the property for downtown revitalization and development and the portion of unimproved public alley will hinder the development of the adjoining properties; and

WHEREAS, the Planning Commission approved on July 13, 2017, vacating with conditions, a portion of unimproved public alley known as Zane Alley, attached hereto as Exhibit C; and

WHEREAS, it is determined that the vacation of a portion of unimproved public alley known as Zane Alley is for good cause and will benefit the general interest of the City in furtherance of economic development by the redevelopment of the property; and

WHEREAS, publication, notice, and a public hearing are not required by the Ohio Revised Code when all adjoining property owners sign the petition pursuant to O.R.C. 723.06; and

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

SECTION 1. That the portion of unimproved public alley known as Zane Alley, as described in Exhibit A attached hereto, is hereby vacated for good cause and in the general interest of the City as set forth above subject to the following conditions recommended by the Planning Commission:

- a. Petitioner shall prepare all documents and surveys needed for legislation, recording documents and any deeds;
- b. Petitioner shall pay all costs associated with the vacation of the unimproved public alley, including but not limited to all survey costs, legal advertising costs, and recording costs.
- c. A 12 feet utility right-of-way is maintained for existing and any future utilities.

- d. Petitioner shall work with the utility owners for the removal or relocation, if any, of existing facilities and all removal/relocation costs shall be at Petitioner's expense since the utilities maintain an easement upon vacation pursuant to Ohio Revised Code.

SECTION 2. That in the interest of economic development and more specifically the redevelopment of this City gateway location in a timely manner, City Council does hereby declare an emergency so that this ordinance shall take effect and be in full force immediately.

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

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

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

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

\_\_\_\_\_  
Mayor

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

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

Requested by Law Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on \_\_\_\_\_, 2017 in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

\_\_\_\_\_  
Clerk of Council

**ZANE ALLEY VACATION  
0.073 ACRES (3199 S.F.)**

Situated in the State of Ohio, County of Fairfield, City of Lancaster, being part of Zane Alley (12'), of Zanes Original Town Plat as recorded in plat book 1, page 2, all records being of the Recorder's Office, Fairfield County, Ohio and being more particularly bounded and described as follows:

Commencing at a mag nail found at the northwest corner of Lot 35 of said Zanes Original Town Plat, and on the easterly line of Memorial Drive, being the northwest corner of a 1.277 acre tract as conveyed to 240 W MAIN LLC, as recorded in Official Record Book 1561 Page 2947, and being the **TRUE POINT OF BEGINNING** for the parcel herein described;

Thence northerly along said Memorial Drive easterly right-of-way line, and the westerly line of said Zane Alley (12'), North 10 degrees 11 minutes 35 seconds West, 12.30 feet to a mag nail found, said mag nail also being the southwesterly corner of a 1.258 acre tract as conveyed to 240 W MAIN LLC, as recorded in Official Record Book 1561 Page 2947;

Thence leaving said Memorial Drive easterly line, along the northerly line of said Zane Alley (12'), and the southerly line of said 1.258 acre tract, South 87 degrees 30 minutes 01 seconds East, 267.95 feet to an iron pin set at the southeasterly corner of said 1.258 acre tract and the southwesterly corner of tract as conveyed to Kirn Holdings, LLC, as recorded in Official Record Book 1729 Page 4179;

Thence southerly across said Zane Alley (12'), South 02 degrees 19 minutes 03 seconds West, 12.00 feet to a 5/8" iron pin set on the southerly line of said Zane Alley (12') and the northerly line of said 1.277 acre tract;

Thence westerly along the southerly line of said Zane Alley (12') and the northerly line of said 1.277 acre tract, North 87 degrees 30 minutes 01 seconds West, 265.28 feet to a mag nail found, and being the **POINT OF BEGINNING**, containing 0.073 acres (3199 Sq. Ft.), more or less.

Subject to all legal rights-of-way and/or easements, if any, of previous record.

The basis of bearing is the northerly right-of-way line of Zane Alley being South 87 degrees 30 minutes 01 seconds East.

Iron pins set are 5/8" inch solid iron pins, 30" in length with a yellow plastic cap inscribed "EP FERRIS SURVEYOR 8230".

All monuments found are in good condition unless otherwise noted.



This description was prepared by Matthew E. Ferris, Ohio Registered Professional Surveyor 8230 and is based on field surveys conducted by E. P. Ferris & Associates, Inc. on August 12, 2011 under the direct supervision of Matthew E. Ferris, Ohio Registered Professional Surveyor 8230.



A handwritten signature in blue ink, appearing to read "Matthew E. Ferris", written over a horizontal line.

06.19.17

Matthew E. Ferris, PS  
Registered Surveyor No. 8230

Date





City of Lancaster, Ohio  
Office of  
*Law Director and City Prosecutor*  
*Terre L. Vandervoort*

January 5, 2011

Eric Wagenbrenner  
Wagenbrenner Development  
575 W. First Avenue  
Columbus, OH 43215

RE: Former Lancaster Glass Site

Dear Eric:

The City of Lancaster is excited at the prospect of redeveloping the former Lancaster Glass Site as mixed use development to include new retail and residential uses. We congratulate Wagenbrenner Development for stepping up to the plate to partner with the City in redeveloping this vacant and blighted site.

As you know, the City of Lancaster has committed, subject to City Council, to vacate a portion of Zane Alley that lies within the project property as part of the redevelopment of the site.

I certify that I have the authority to make this commitment on behalf of the City of Lancaster and that subject to the condition expressed above the City has the resources to satisfy the City's commitment in the CORF grant application.

We look forward to working with you to ensure the completion of this important project.

Sincerely,

Terre L. Vandervoort  
Law Director & City Prosecutor  
City of Lancaster, Ohio

  
(Witness)



CITY OF LANCASTER, OHIO  
OFFICE OF THE SERVICE-SAFETY DIRECTOR  
PAUL MARTIN

July 14, 2017

Lancaster City Council  
Teresa Sandy, Clerk of Council

*Re: July 2017 Planning Commission Approval of Zane Alley Vacation*

Honorable City Council Members:

Please be advised that the City of Lancaster Planning Commission met yesterday, Thursday, July 13<sup>th</sup>, to decide whether to approve Wagenbrenner Development's application to vacate the portion of Zane Alley that bisects the former Lancaster Glass site. After a thorough discussion with staff regarding the economic development benefits associated with vacating the alley, the Planning Commission voted unanimously to vacate the requested portion of Zane Alley. Please do not hesitate to contact me if you would like any additional information regarding this decision.

Sincerely,

Paul Martin,  
Service-Safety Director & Planning Commission Secretary

