



TEMPORARY ORDINANCE NO. 24-17

PERMANENT ORDINANCE NO. 24-17

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:

- 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: 7/17/17 after 1st reading. Vote: Yeas 8 Nays 0

Approved: 7/17/17

Clerk: Teresa Lee Sandy

Pat B. Hesp
President of Council

Offered by: David C. Cee

David C. Cee
Mayor

Second by: R. Grubb

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.



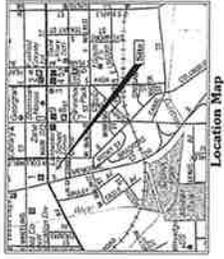
06.19.17

Matthew E. Ferris, PS
Registered Surveyor No. 8230

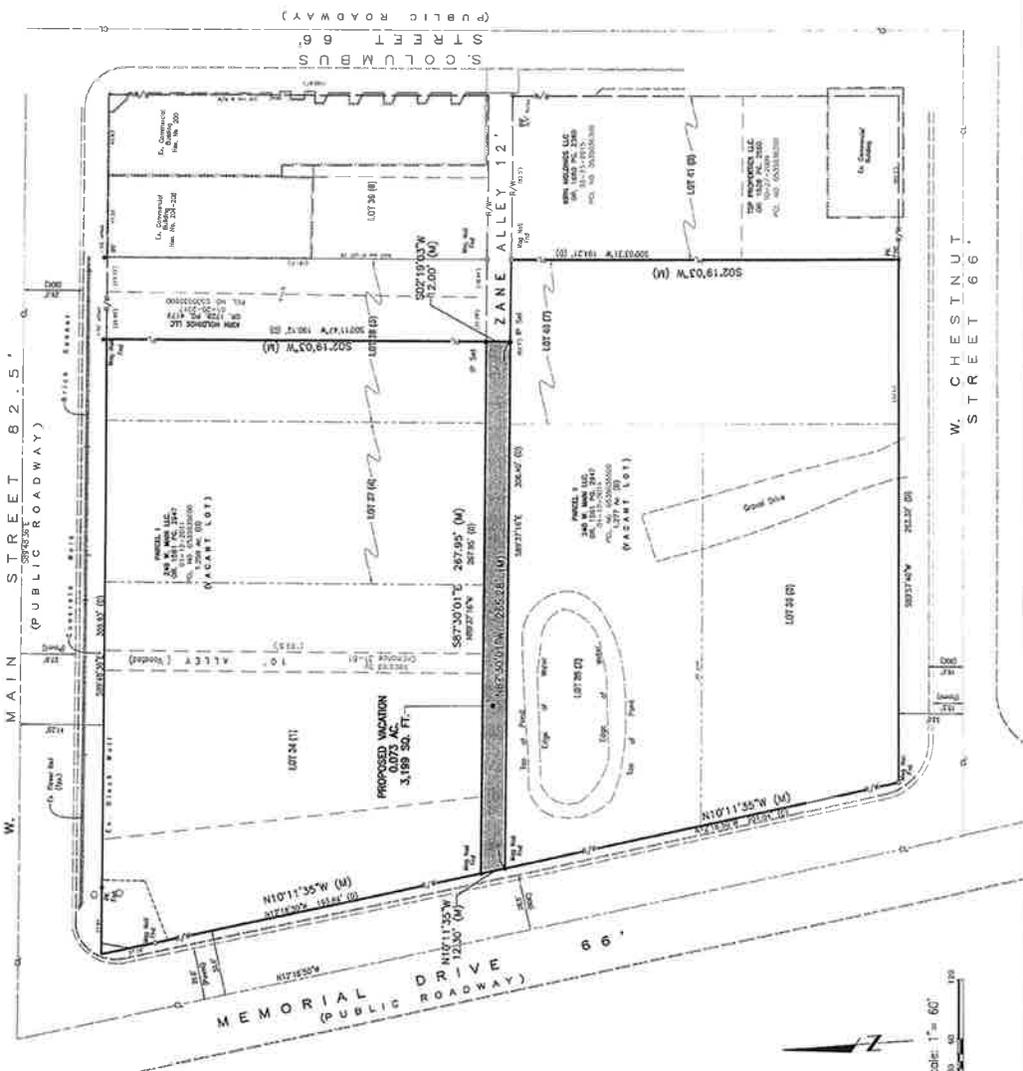
Date

ALLEY VACATION EXHIBIT W. Main Street

Being Lots 34, 37 and 40 of Zoned Original Town
as recorded in Plat Book 1 page 2
Period 1 38 of Zoned Original Town
as recorded in Plat Book 1 page 2
Being Lots 35, 36 and 40 of Zoned Original Town
as recorded in Plat Book 1 page 2
Period 2 37 of Zoned Original Town
as recorded in Plat Book 1 page 2
1,255 Ac. (Gross)
County of Fairfield, City of Lancaster, Ohio



BASIS OF BEARINGS
The bearings shown on this plan are based on the Ohio State Plane Coordinate System, South Zone, and are referenced to the National Grid. All field bearings which are referenced to the National Grid are shown with the letter 'N' in the bearing. The Department of Transportation, Vertical Reference System, is used for all bearings with the exception of any bearing shown as being referenced to the Ohio State Plane Coordinate System, South Zone.



- LEGEND**
- (E) Ex. Electric Outlet
 - (M) Ex. Gas Meter
 - (V) Ex. Valve
 - (R) Right-of-Way
 - (F) Ex. Fire Hydrant
 - (D) Ex. Electric/Telephone Pole w/ Light
 - (T) Ex. Drop Pole / Traffic Signal Pole
 - (L) Ex. Ground Light
 - (U) Ex. Utility Pole
 - (I) Ex. Light Pole
 - (C) Ex. Catch Basin
 - (O) Ex. Retention Cistern
 - (P) Ex. Pot Hole / Pot (PT)
 - (S) Ex. Sewer Man Hole (SMH) or Man Hole (MH)
 - (B) Ex. Building Block
 - (S) Ex. Storm Sewer
 - (D) Ex. Sanitary Sewer
 - (D) Ex. Driveway Driveway/Telephone/Cable
 - (E) Ex. Underground Electric
 - (E) Ex. Underground Gas
 - (E) Ex. Gas Line
 - (W) Ex. Water Line
 - (F) Ex. Fence
 - (C) Ex. Contour (1 foot interval)
 - (S) Street bearing with distance
 - (M) Street bearing with distance
 - (M) Street bearing with distance
 - (M) Street bearing with distance
 - (R) Reference Point of Beginning
 - (B) Point of Beginning
 - (S) Pole Sign Set
 - (S) Ex. Street Sign
 - (T) Ex. Tree Gate w/Tree

PLANS PREPARED BY:
E. P. FERRIS AND ASSOCIATES
CONSULTING CIVIL ENGINEERS AND SURVEYORS
11112 State Route 100, Lancaster, Ohio 43090
Phone: (614) 686-1111



DATE: 05-16-17
DRAWN BY: CSK, CW, BY: M.S.
1002.00

All other lots are shown "as is" in block with other lots. This drawing is not to be used for any other purpose without the written consent of the engineer.



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 13th, 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



APPLICATION for VACATING OR NARROWING A PUBLIC RIGHT-OF-WAY



PLANNING COMMISSION
CITY OF LANCASTER
c/o ENGINEERING DEPT.
121 East Chestnut Street
Suite 100
Lancaster, Ohio 43130
Telephone (740) 687-6614
Facsimile (740) 681-5030

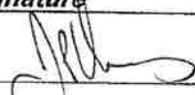
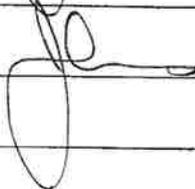
Date of Application: 6/20/17

WE, THE UNDERSIGNED PROPERTY OWNERS, DO HEREBY REQUEST THE VACATION OF THE
(Please check the appropriate box)

- Alley
- Street
- Easement

LOCATED AT: Zone Alley Vacation, 0.073 acres
(see attached)

AND, AS FURTHER DESCRIBED IN THE ATTACHED SURVEY DESCRIPTION AND AS DELINEATED ON THE ATTACHED MAP. We do hereby agree to have prepared any amended deeds required to include said vacated lands, and to pay any and all costs or fees involved in the recording of said deeds with the County Recorder, of transferring the vacated lands on the Fairfield County Auditor's tax duplicate, and of recording the ordinance vacating said lands with the County Recorder.

<u>Property Owner's Name & Signature</u>	<u>Parcel ID No.</u>	<u>Tax Mailing Address</u>
<u>240 W. Main LLC</u> 	<u>0535035600</u>	<u>842 N. 4th St.</u>
		<u>Columbus, OH 43215</u>
<u>240 W. Main LLC</u> 	<u>0535035500</u>	<u>842 N. 4th St.</u>
		<u>Columbus, OH 43215</u>

NOTE: If more signature lines are needed than provided above, use additional copies of this sheet for those signatures and submit all sheets with the required exhibits

