

TEMPORARY ORDINANCE NO. 16-18

PERMANENT ORDINANCE NO. 14-18

AN ORDINANCE TO VACATE AN ALLEY WITHIN M.A. DAUGHERTY'S ADDITION

WHEREAS, City personnel have determined that the portion of unimproved public 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 Planning Commission approved on September 13, 2018, vacating said alley, attached hereto as Exhibit C; 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 ORC 723.06;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO:

SECTION 1. That the portion of unimproved public alley within the M.A. Daugherty's Addition, 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; and
- c. A 15 feet utility right-of-way is maintained for existing and any future utilities. 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 this ordinance shall take effect and be in force from the earliest period allowed by law.

Passed: 10/8/18 after 2nd reading. Vote: Yeas 9 Nays 0

Approved: 10/8/18

Clerk: Jessica Lee Sandy

Offered by: Mayor R. Telen

Second by: Cory Johnson

Requested by Code Enforcement and Zoning Committee

David A. Lee

President of Council

David L. Schyler

Mayor



***15' Alley
Legal Description
0.153 Acres***

Situated in the State of Ohio, Fairfield County, City of Lancaster, part of Section 1, Township 14, Range 19, and being all of a 15 foot wide alley that lies between lots 7 & 8 and at the rear of lots 1 through 7 in M.A. Daugherty's Addition as recorded in Plat Book 1, Page 5 in the Fairfield County Recorder's Office and being more particularly described as follows:

COMMENCING at a 5/8 inch rebar found at the northeast corner of lot 1 of M.A. Daugherty's Addition, Plat Book 1, Page 5, Thence, South 84 degrees 04 minutes 01 seconds West, 71.73 feet to a point at the northwest corner of said lot 1 and the east line of said 15 foot alley and being the **TRUE POINT OF BEGINNING** for the parcel herein described:

Thence, along the east line of said 15 foot alley, South 12 degrees 49 minutes 18 seconds East, 15.00 feet to a 5/8 inch rebar set on the south line of said 15 foot alley and at the northeast corner of lot 2 of M.A. Daugherty's Addition;

Thence, along the south line of said 15 foot alley and the north line of said lot 2, North 62 degrees 31 minutes 51 seconds West, 20.65 feet to a 5/8 inch rebar set;

Thence, along the south line of said 15 foot alley and the north line lots 2 through 7 of M.A. Daugherty's Addition, South 77 degrees 09 minutes 14 seconds West, 247.58 feet to a 5/8 inch rebar set;

Thence, along the south line of said 15 foot alley and the north line of said lot 7, South 65 degrees 41 minutes 17 seconds West, 20.15 feet to a 5/8 inch rebar set at the northwest corner of said lot 7;

Thence, along the east line of said 15 foot alley and the west line of said lot 7, South 23 degrees 10 minutes 47 seconds East, 136.58 feet to a 5/8 inch rebar set at the southwest corner of lot 7 and the north right of way for State Route 22 also known as Lincoln Avenue;

**15' Alley
Legal Description
0.153 Acres**

Thence, along the said right of way, South 64 degrees 53 minutes 20 seconds West, 15.01 feet to a 5/8 inch rebar found at the southeast corner of lot 8 of said Addition;

Thence, along the west line of said 15 foot alley and the east line of said lot 8, North 23 degrees 10 minutes 47 seconds West, 151.77 feet to a 5/8 inch rebar found at the northeast corner of lot 8 and the northwest corner of said 15 foot alley and the south line of a 4.80 acre tract conveyed to the Board of County Commissioners Fairfield County Ohio as recorded in Deed Volume 611, Page 287;

Thence, along the north line of said 15 foot alley and the south line of said 4.80 acre tract, North 65 degrees 31 minutes 55 seconds East, 36.49 feet to a 3/4 inch pipe found;

Thence, along the north line of said 15 foot alley and the south line of said 4.80 acre tract, North 77 degrees 10 minutes 37 seconds East, 264.73 feet to a 5/8 inch rebar set at the northeast corner of said 15 foot alley;

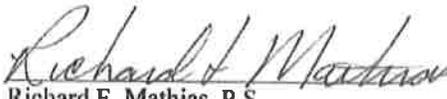
Thence, along the east line of said 15 foot alley and the south line of said 4.80 acre tract, South 12 degrees 49 minutes 23 seconds East, 13.36 feet to the TRUE POINT OF BEGINNING, containing 0.153 acres.

It is understood that the parcel of land described contains, 0.153 acres, more or less, in Fairfield County and is the entire alley as shown in M.A. Daugherty's Addition.

All iron pins set are 5/8 inch x 30 inch rebar with an orange plastic cap stamped "2LMN".

Description prepared from an actual field survey by 2LMN, Inc. under the supervision of Richard F. Mathias, P.S. #7798, July, 2018.

Bearings based on true GPS north.

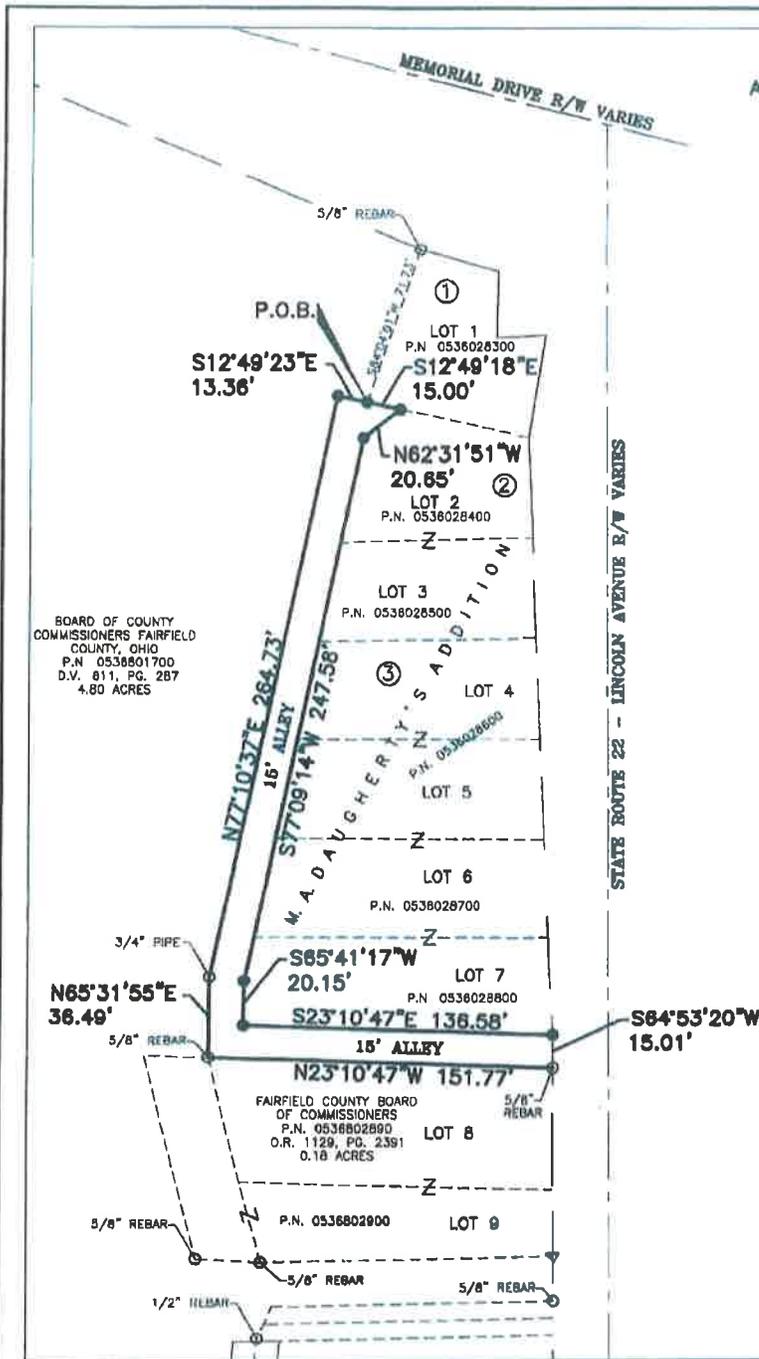

Richard F. Mathias, P.S.
Professional Land Surveyor No. 7798



10-16-18
Date

LEGAL DESCRIPTION AND PLAT
MEETS MINIMUM STANDARDS FOR
BOUNDARY SURVEYS. FAIRFIELD
COUNTY ENGINEER.

BY  DATE 10/23/18



ADJOINING PROPERTY OWNERS

- ① JAY NAUMAN
O.R. 1427, PG. 3120
P.N. 0536028300
0.099 ACRES
- ② BOARD OF
FAIRFIELD COUNTY
COMMISSIONERS
O.R. 1764, PG. 3762
P.N. 0536028400
P.N. 0536028500
0.186 ACRES
- ③ BOARD OF
COMMISSIONERS
FAIRFIELD COUNTY
O.R. 1688, PG. 1637
P.N. 0536028800,
P.N. 0536028700,
P.N. 0536028800
0.473 ACRES



BOARD OF COUNTY
COMMISSIONERS FAIRFIELD
COUNTY, OHIO
P.N. 053601700
D.V. 811, PG. 287
4.80 ACRES

M.A. DAUGHERTY'S ADDITION

STATE ROUTE 22 - LINCOLN AVENUE R/W VARIES

PERNANT DOCUMENTS USED:

- Plet Book 1, Page 5
- SURVEY BOOK 33 PAGE 10728
- SURVEY BOOK 36 PAGE 11364
- SURVEY 12980
- SURVEY 14884
- ALL ADJOINING DEEDS



BEARINGS BASED ON GPS TRUE NORTH

THIS SURVEY PERFORMED UNDER THE SUPERVISION OF
RICHARD F. MATHIAS, PROFESSIONAL SURVEYOR No. 7798
IN JULY, 2018

Richard F. Mathias 7-31-18
RICHARD F. MATHIAS DATE
PROFESSIONAL SURVEYOR No. 7798



- 30" LONG, 5/8" REBAR WITH PLASTIC 1-1/4" CAP STAMPED "LOCKWOOD, LANIER, MATHIAS, NOLAND" (SET)
- IRON MONUMENT (FOUND)
- ▲ RAILROAD SPIKE (SET)
- △ RAILROAD SPIKE (FOUND)
- CONCRETE MONUMENT (SET)
- CONCRETE MONUMENT (FOUND)
- P.K. NAIL (SET)
- P.K. NAIL (FOUND)
- ⊕ BOLT (FOUND)
- ◆ STONE (FOUND)
- × REFERENCE POINT

1 OF 1

**PLAT OF SURVEY
OF A 15 FOOT ALLEY**
IN M.A. DAUGHERTY'S ADD.
SECT. 1, TWP. 14, RNGE 19
CITY OF LANCASTER, OHIO
0.153 ACRES
JULY, 2018

PLANS PREPARED FOR:
DENNIS KELLER
FAIRFIELD COUNTY
LANCASTER, OHIO 43130

2LMN, Inc.
Civil Engineers & Land Surveyors
2475 Sugar Grove Road, SE - Lancaster, Ohio 43130
(740) 687-3542 Phone ~ (740) 687-4086 Fax ~ www.2LMN.com

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**PETITION TO VACATE
A PUBLIC ALLEY RIGHT-OF-WAY
Planning Commission
September 13, 2018**

CASE NO.: 2018.004

PETITIONER: Fairfield County Board of Commissioners
Dennis Keller, Facilities Manager
210 East Main Street
Lancaster, Ohio 43130

Agent: Same as Petitioner

SURVEYOR: 2LMN
2475 Sugar Grove Road
Lancaster, Ohio 43130

PREVIOUS ACTION: none found

REQUEST: To vacate a public alley running perpendicular and parallel to Lincoln Avenue. The proposed section being petitioned to be vacated is near where the old Kings Furniture Store used to stand. The proposed alley terminates behind the old Roger Conrad building. (Please see the attached alley vacation exhibit.)

PURPOSE: The County Commissioners intend to have this alley vacated and eventually fill this area and create a green space/open space from the Lincoln Ave. sidewalk back towards the Sheriff's Department parking area.

ISSUES FOR PLANNING COMMISSION CONSIDERATION:

1. The right-of-way was dedicated to the public's use within Daugherty's Addition. It is unknown when this subdivision was dedicated.
2. The right-of-way is an unimproved 15-foot alley.
3. The petitioner owns both sides of the alley along the proposed section to be vacated except for the termination of the alley where the Nauman Signs exist. Jay Nauman (owner of the property) has signed the petition and does NOT object to this ROW vacation. Furthermore, Jay was contacted by the City Engineers office on August 17, 2018 to confirm his approval of the subject vacation and to convey to him the future planning commission date.
4. Any public utility located in the vacated portion of the right-of-way would retain an easement to maintain and replace its lines (as per ORC 723.04). 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. Please see the attached summary of comments from the various safety forces, city departments, and other utility companies.

RECOMMENDATION:

The City of Lancaster Engineer's Office has reviewed the petition. The Engineer's Office sees **no adverse effects** from the proposed alley vacation. Please see the following list of recommendations:

1. If the public utility departments and safety forces find no issues or the commission finds no issue with their comments, the following recommendations shall be satisfied.
2. The petitioner shall prepare all documents and surveys needed for legislation, recording documents and any deeds.
3. 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, recording costs and/or other related cost involved with this vacation.
4. The petitioner work with the utility owners for relocations of the existing facilities (if necessary); if relocation becomes necessary, the petitioner shall bear all costs.

PLANNING COMMISSION ACTION:

The Commission may recommend the requested alley vacation as submitted, recommend a modification to the request, or recommend denial of the request.

EXHIBITS:

- PC 2018-004 Alley Vacation Petition from FC Commissioner's
- PC 2018-004 Alley Exhibit and Description
- PC 2018-004 Summary of Comments – Safety Forces and utilities
- PC 2018-004 Maps – GIS Map with Aerial/Utilities and Map provided by applicant
- PC 2018-004 Pictures of Subject Area

**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: July 31, 2018

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

Alley Street Easement

LOCATED AT: Alley north of Lincoln Avenue, just west of Memorial Drive, running behind
 County owned properties at 329 - 333 Lincoln Avenue

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>
Fairfield County Commissioners	0536801700	210 E. Main St., Lancaster, OH
Fairfield County Commissioners	0536028600	210 E. Main St. Lancaster, OH
Fairfield County Commissioners	0536028400	210 E. Main St. Lancaster, OH
Fairfield County Commissioners	0536802890	210 E. Main St. Lancaster, OH
Fairfield County Commissioners	0536028500	210 E. Main St. Lancaster, OH * <i>CM</i>
Fairfield County Commissioners	0536028700	210 E. Main St. Lancaster, OH * <i>CM</i>
Fairfield County Commissioners	0536028800	210 E. Main St. Lancaster, OH * <i>CM</i>

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

Below are listed the adjoining property owners not participating in the right-of-way vacation for the section of right-of-way for which all or part has been requested to be vacated.

<u>Name of Property Owner</u>	<u>Parcel ID No.</u>	<u>Tax Mailing Address</u>
Jay Nauman (with no objections)	0536028300 0536028600	1491 Meadows Dr., Lancaster, OH 43130 *

typo error (tbl)

Signed:



* Indicates Corrections to Parcel Numbers on 11-5-18

With my signature below, I hereby affirm that I am the agent for the petitioners. Further, I hereby state that the information contained on both this application on upon the exhibits and maps attached hereto are true and accurate to the best of my knowledge.



Signature of the Agent

7 31 2018

date

CB 11.5.18

Carri Brown, County Administrator

Printed Name of the Agent

740-652-7096

telephone number

210 East Main Street, 3rd Floor

Mailing Address of the Agent

Lancaster, Ohio

City and State

43130

Zip

For Office Use Only:

Attachments: Map to Scale Legal Description

Fees Paid: Amount \$ _____ Date Received _____ By _____

Fairfield County Commissioners – Alley ROW Vacation - Summary of Comments

Lancaster Fire Department:

- LFD does not find any issues with the proposed alley ROW vacation.

Lancaster Municipal Gas Department:

- LMGD does not find any issues with the alley vacation. LMG wishes to utilize Ohio Revised Code Section 723.04 to retain a permanent easement for their existing utilities.

Water Pollution Control Department:

- WPC does not find any issues with the alley vacation. WPC wishes to utilize Ohio Revised Code Section 723.04 to retain a permanent easement for their existing utilities.

Water Department:

- City of Lancaster Water Department does not have any facilities within the proposed Alley vacation area. The Water Department does not have any issues with the proposed vacation.

Sanitation Department:

- The Sanitation does not have have any issues with the proposed alley ROW vacation.

Lancaster Department of Transportation:

- LDOT has reviewed the proposed alley ROW vacation and does not find any issues for what they have proposed.

Lancaster Stormwater Department:

- The Stormwater Department has reviewed the proposed alley ROW vacation and does not find any issues for what they have proposed.

Lancaster Parks and Recreation Department:

- LPRD has reviewed the proposed alley ROW vacation and does not find any issues for what they have proposed.

AT&T:

- AT&T may have facilities within the proposed area, but we do not have any issues utilizing ORC 723.04 for a permanent easement.

AEP:

- AEP has reviewed the request and we do have facilities within the proposed alley vacation area. We are fine with utilizing the ORC 723.04 section and wish to retain a permanent easement within this vacated area.

Spectrum:

- Spectrum does not have facilities within the proposed vacated area. We do not object to the proposed alley vacation.



Fairfield County Commissioners Alley Vacation



DISCLAIMER

All data created has been developed to meet National Map Accuracy Standards. All GIS data layers are referenced in the City of Lancaster, Ohio, Geographic Information System (GIS) using the North American Datum (NAD 83) (GCS) Vertical datum - North American Vertical Datum (NAVD) 88 Units - Surveyors Feet.

All data has been developed from public records that are constantly undergoing change and is not warranted for content, completeness or accuracy. The City of Lancaster does not warrant, guarantee or represent the data to be fit for a particular use or purpose.

If further information is needed for data preparation, please contact the City of Lancaster, Department of Information Technology. Please notify the City of Lancaster, Department of Information Technology with any discrepancies.







M. A. DAUGHERTY'S ADD.

