

TEMPORARY ORDINANCE NO. 11-20

PERMANENT ORDINANCE NO. 8-20

AN ORDINANCE TO VACATE A PORTION OF FULKERSON AVENUE AND A 12 FOOT ALLEY LOCATED WITHIN CARBON WORKS ADDITION AND TO DECLARE AN EMERGENCY

WHEREAS, City personnel have determined that the portion of Fulkerson Avenue and a 12 foot alley, as described in Exhibit A and shown with Exhibit B 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 a public roadway; and

WHEREAS, the Planning Commission approved on May 14, 2019, vacating said roadway and/or portions thereof, attached and delineated on Exhibits A and B; and

WHEREAS, pursuant to O.R.C. 723.06, publication, notice, and a public hearing are not required by the Ohio Revised Code when all adjoining property owners sign the petition and written consent to such vacation is filed with the legislative authority by the owners of the property abutting the part of the street or alley proposed to be vacated as evidenced in Exhibit C attached hereto;

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

SECTION 1. That the portion of unimproved public roadway within the Carbon Works Addition, as described/shown in Exhibits A and B and consented to, in writing, by all the abutting property owners as set forth in Exhibit C 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. Both Lancaster Municipal Gas Department and Lancaster City Water Department wish to have a specific meets and bounds description and associated Plat Exhibit for their utility. These documents shall be created, reviewed, approved, and recorded prior to the ROW vacation being passed by City Council.
- b. The petitioner shall prepare all documents and surveys needed for legislation, recording documents and any deeds.
- c. 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.
- d. The petitioner shall work with the utility owners for relocations of the existing facilities (if necessary); and if relocation becomes necessary, the petitioner shall bear all costs.

SECTION 2. That in the interest of economic development and more specifically new development in the City 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: 6/8/2020 after 1st reading. Vote: Yeas 9 Nays 0

Approved: 6/8/2020

Clerk: Teresa Lee Sandy

[Signature]
President of Council

Offered by: Don A. Milanich

[Signature]
Mayor

Second by: Tom [Signature]

Requested by Economic Development Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2020 in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council



Legal Description
Vacation of part of Fulkerson Ave. and a 12' alley
0.387 acres

Situated in the State of Ohio, Fairfield County, City of Lancaster being part of Section 5, Township 14, Range 18, and being that part of Fulkerson Avenue from the south right of way line of Walnut Street to the north line of the CSX Transportation property including the remaining portion of a 12' alley dedicated with the Carbon Works Addition to the City of Lancaster in Plat Book 2, page 11:

Commencing at an iron pin set at the northeast corner of Lot 26 in the Carbon Works Addition to the City of Lancaster as shown in Plat Book 2, page 11 in the Fairfield County Recorder's office, said Northeast corner being the **TRUE POINT OF BEGINNING** for the property herein described:

Thence, along the projection of the south line of Walnut Street, North 86 degrees 19 minutes 06 seconds East 47.49 feet to a point on the east right of way line of Fulkerson Avenue;

Thence, along the east right of way line of Fulkerson Ave, South 02 degrees 32 minutes 45 seconds West 349.84 feet to an iron pin set on the north line of CSX Transportation property;

Thence, along the south line of said Fulkerson Ave and the north line of CSX Transportation property, North 75 degrees 37 minutes 15 seconds West 24.59 feet to an iron pin set;

Thence, along the south line of said Fulkerson Ave and the north line of CSX Transportation property, North 02 degrees 32 minutes 45 seconds East 1.49 feet to an iron pin set;

Thence, along the south line of said Fulkerson Ave, South 81 degrees 45 minutes 27 seconds West 24.26 feet to a 5/8 inch rebar found on the west right of way of Fulkerson Avenue at the southeast corner of Lot 3 of Ewing Street Business Park as shown in Plat Cabinet 3, slot 35 in the Fairfield County Recorder's office and conveyed to Shared Option 4 LLC in Official Record 1785 page 1812;

Thence, along the East line of said Lot 3 and the west line of Fulkerson Ave, North 02 degrees 37 minutes 30 seconds East 210.76 feet to a 5/8 inch rebar found at the northeast corner of said Lot 3 and on the south line of a 12 foot alley dedicated in said Carbon Works Addition to the City of Lancaster;

Thence, along the north line of said Lot 3 and the south line of said 12 foot alley, South 86 degrees 19 minutes 06 seconds West 39.55 feet to a 5/8 inch iron pin set at the southeast corner of the alley vacated in Ordinance 15-82;

Thence, along the east line of the vacated 12 foot alley, North 02 degrees 32 minutes 45 seconds East 12.34 feet to a 5/8 inch iron pin found at the southwest corner of said Lot 26;

Thence, along the south line of said Lot 26 and the north line of said 12 foot alley, North 86 degrees 19 minutes 06 seconds East 39.96 feet to a 5/8 inch iron pin set at the southeast corner of said Lot 26 and the west line of Fulkerson Ave.;

Thence, along the west line of said Fulkerson Ave, North 02 degrees 31 minutes 38 seconds East 119.56 feet to the **POINT OF BEGINNING**, containing 0.387 acres, more or less located in Fulkerson Avenue right of way;

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, in February, 2020.

Bearings based on Ohio State Plane Coordinate System South Zone NAD83(2011) tied to ODOT VRS network.

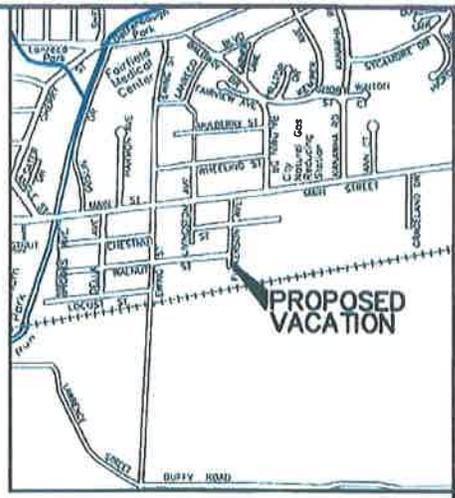
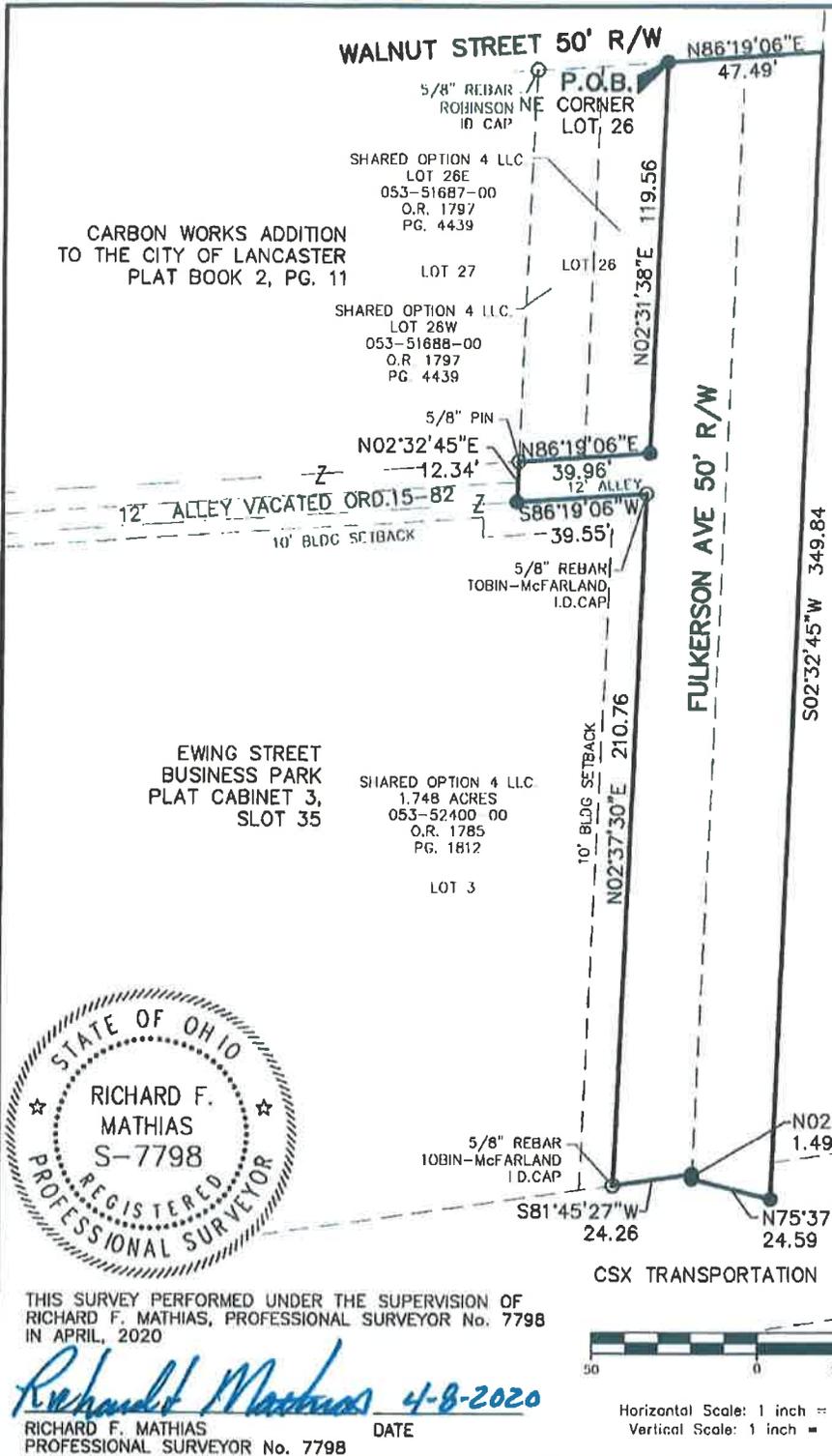


Richard F. Mathias
Ohio Registered Surveyor S-7798



4-8-2020

Date



SHARED OPTION 4 LLC.
 5.59 ACRES
 053-50069-00
 O.R. 1784
 PG. 2783



THIS SURVEY PERFORMED UNDER THE SUPERVISION OF RICHARD F. MATHIAS, PROFESSIONAL SURVEYOR No. 7798 IN APRIL, 2020

Richard F. Mathias 4-8-2020
 RICHARD F. MATHIAS DATE
 PROFESSIONAL SURVEYOR No. 7798



Horizontal Scale: 1 inch = 50 ft.
 Vertical Scale: 1 inch = 50 ft.

BEARINGS BASED ON OHIO STATE PLANE COORDINATE SYSTEM SOUTH ZONE NAD83(2011)

- 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

ON 1 OF 1	PLAT OF SURVEY PART OF SECTION 5, TWP 14, RANGE 18 FAIRFIELD COUNTY CITY OF LANCASTER, OHIO 0.387 ACRES APRIL, 2020	PLANS PREPARED FOR: SHARED OPTION 4 LLC.	2LMN, Inc. <i>Civil Engineers / Land Surveyors</i> 2475 Sugar Grove Rd. SE Lancaster, Ohio 43130 (740) 687-5542 · Fax (740) 687-0086
			This work product was prepared to meet the specific expressed needs of our client and is not to be copied or relied upon by any person who is not in privity of contract with our company, nor is it to be used for any other purpose than that for which it was expressly provided. © Copyright 2015 by 2LMN, Inc. All rights reserved.



2020-005

PLANNING COMMISSION CASE NO. 200 -

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: 04/08/2020

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

- Alley, Street (checked), Easement

LOCATED AT: Fulkerson Ave., south of Walnut Street and adjacent to the west side of the building with current address of 1450 E Walnut St. Lancaster, OH 43130

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.

Table with 3 columns: Property Owner's Name & Signature, Parcel ID No., Tax Mailing Address. Rows list Shared Option 4, LLC with various parcel IDs and the address 1450 E Walnut St. Lancaster, OH 43130.

Handwritten signatures of Harold W. Swartz on signature lines.

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

2020-005

PLANNING COMMISSION CASE NO. 200

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.

Name of Property Owner Parcel ID No. Tax Mailing Address

~~CSX Transportation, Inc. 053-09035-00 500 Water Street, Jacksonville, FL 32202~~

Please See Email Dated April 28th, 2020

[CSX in no longer opposing ROW vacation.] MN

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.

Richard F Mathias

4/8/2020

Signature of the Agent

date

RICH F. MATHIAS

740-687-5542

Printed Name of the Agent

telephone number

2475 SUGAR GROVE RD. SE

LANCASTER, OH

43130

Mailing Address of the Agent

City and State

Zip

Rich.Mathias@2LMN.com

For Office Use Only:

Attachments: Map to Scale Legal Description

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

CSX - No longer opposing

Noland, Mitch

From: Braig, Jessica <Jessica_Braig@csx.com>
Sent: Tuesday, April 28, 2020 3:31 PM
To: Noland, Mitch
Subject: Fulkerson Avenue

[CAUTION: This message originated from an outside source -- DO NOT CLICK on links or open attachments unless you are sure the content is safe. If you have any questions, please contact IT.]

Mitch,

CSX is no longer opposing the ROW vacation of Fulkerson Ave. as submitted in the proposal.

Thank you,

Jessica Braig | CSX Transportation, Inc.

Real Estate and Facilities Management

Real Estate Analyst | 500 Water Street | Jacksonville, FL 32202

Off. 904-279-3881 | Fax: 904.516.6395 |

E-mail: Jessica_Braig@csx.com