

TEMPORARY ORDINANCE NO. 15-13

PERMANENT ORDINANCE NO. 13-13

AN ORDINANCE TO VACATE THE UNIMPROVED PUBLIC STREET RIGHT-OF-WAY DEDICATED ON THE COLONIAL HEIGHTS ADDITION PLAT

WHEREAS, the public street right-of-ways were created in 1947 and have not yet been improved; and

WHEREAS, the owners of the adjoining properties are developing plans to construct commercial facilities on those tracts; and

WHEREAS, the unimproved public right-of-ways will hinder that development of the adjoining properties; and

WHEREAS, the Planning Commission approved on June 14, 2013, vacating with conditions, the above property; and

WHEREAS, the City must pass an ordinance to vacate any part of an unimproved public street right-of-way; and

WHEREAS, published notice of the filing of the petition is necessary for six (6) consecutive weeks before passage, pursuant to Ohio Revised Code 723.07 since the legislative authority is seeking vacation as opposed to a petition signed by all contiguous property owners; 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 the unimproved public street right-of-ways dedicated on the Colonial Heights Addition as described in Exhibit A. The Commission recommended the vacation contingent upon the following conditions:

- a. The benefitting property owners shall prepare all documents and surveys needed for legislation, recording documents and any deeds;
- b. The benefitting adjoining property owners shall pay all costs associated with the vacation of the right-of-way, including but not limited to all survey costs, legal advertising costs, and recording costs.
- c. The benefitting adjoining property owners shall work with the utility owners for the removals or relocations of the existing facilities; removal/relocation costs shall be at the benefitting property owners' expense since the utilities maintain an easement upon vacation.
- d. The benefitting property owners shall enter into a cross-access agreement to use common drives for access, as approved by the City Law Director.

SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: 8/26/13 after 3rd reading. Vote: Yeas 9 Nays 0

Approved: 8/26/13

Clerk: Teresa Lee Sandy

Offered by: Melody L. Bobbitt

Second by: John Zekas

Requested by Public Works Committee

[Signature]
President of Council

[Signature]
Mayor

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

Clerk of Council



TOBIN-McFARLAND SURVEYING, INC.

Professional Land Surveyors

111 West Wheeling Street
Lancaster, Ohio 43130
Phone (740) 687-1710
Fax. (740) 687-0877

***Description of 1.066 Acres
or 46457 Square Feet***

Situated in the State of Ohio, Fairfield County, City of Lancaster and being part of Milton Avenue, Emerson Boulevard and Hawthorne Street as shown on the plat of Colonial Heights Addition as recorded in plat book 6, page 14 in the Office of the Recorder of Fairfield County, Ohio, and being more fully described as follows:

Beginning at a 5/8 inch rebar previously set at the southeast corner of vacated Hawthorne Street (Ordinance 24-95), said point being South $14^{\circ}48'41''$ West a distance of 616.51 feet from a 3/4 inch iron pipe found at the southwest corner of Lot 12 in Colonial Heights Revision as recorded in plat book 7, page 73;

thence with the east line of Hawthorne Street, S $14^{\circ}48'41''$ W a distance of 54.30 feet to a 5/8 inch rebar previously set;

thence with a curve to the left having a radius of 68.50 feet, central angle of $90^{\circ}28'06''$, an arc length of 108.16 feet and a chord bearing S $30^{\circ}25'22''$ E a distance of 97.26 feet to a 5/8 inch rebar previously set;

thence with the north line of Emerson Boulevard, S $75^{\circ}39'25''$ E a distance of 129.41 feet to a 5/8 inch rebar previously set;

thence with the northerly extension of the east line of Milton Avenue and the east line of Milton Avenue, S $13^{\circ}21'35''$ W a distance of 379.04 feet to a 3/4 inch pipe found;

thence continuing with Milton Avenue along a curve to the left having a radius of 26.10 feet, central angle of $94^{\circ}01'43''$, an arc length of 42.83 feet and a chord bearing S $33^{\circ}38'30''$ E a distance of 38.18 feet to a 5/8 inch rebar set;

thence with the north line of Memorial Drive, N $80^{\circ}35'52''$ W a distance of 120.24 feet to a 5/8 inch rebar set;

thence with the west line of Milton Avenue the following three (3) courses:

(1) along a curve to the left having a radius of 34.42 feet, central angle of $86^{\circ}00'00''$, an arc length of 51.66 feet, and a chord bearing N $56^{\circ}21'35''$ E a distance of 46.95 feet to a 5/8 inch rebar set;

(2) N $13^{\circ}21'28''$ E a distance of 249.64 feet to a 5/8 inch rebar set;

(3) with a curve to the left having a radius of 71.63 feet, central angle of $89^{\circ}01'00''$, an arc length of 111.29 feet and a chord bearing N $31^{\circ}08'55''$ W a distance of 100.43 feet to a 3/4 inch pipe found;

thence with the south line of Emerson Boulevard, N 75°39'25" W a distance of 129.55 feet to a 5/8 inch rebar set on the southerly extension of the west line of Hawthorne Street;
thence N 14°48'41" E a distance of 185.04 feet to a 5/8 inch rebar previously set at the southwest corner of vacated Hawthorne Street;
thence S 74°03'35" E a distance of 60.01 feet to the point of beginning, having an area of **1.066 Acres or 46457 square feet.**

Bearings are based on the east line of Milton Avenue being S 13°21'35" W by survey number 17364 filed in Survey Record Book 76 and are used to denote angles only. Rebars set are 5/8 inch by 30 inches and have a yellow plastic identification cap stamped "Tobin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

This description is based on a survey made in July of 2013 by Tobin-McFarland Surveying, Inc., and was prepared by Rodney McFarland, Registered Professional Surveyor No. 6416.

USB R1 Milton St vacation

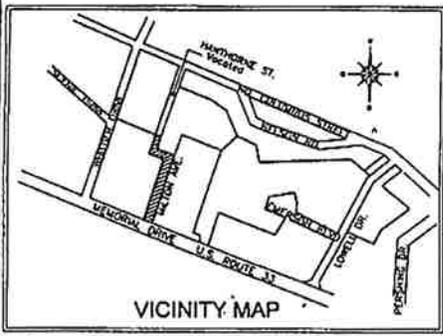
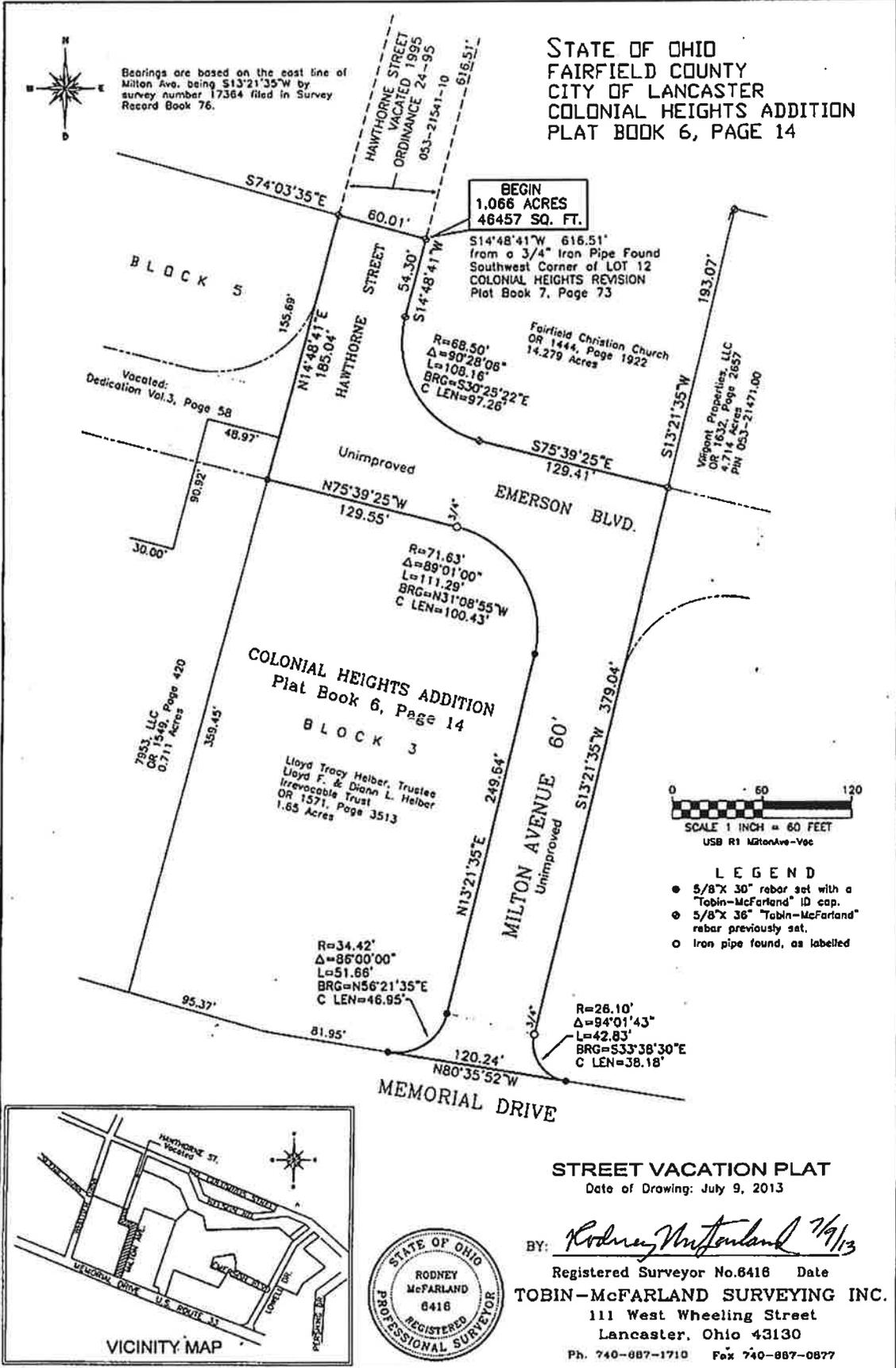


Rodney McFarland 7/9/13
Rodney McFarland, P.S. Date
July 9, 2013 Originals are signed in blue ink



Bearings are based on the east line of Milton Ave. being S13°21'35"W by survey number 17364 filed in Survey Record Book 76.

STATE OF OHIO
FAIRFIELD COUNTY
CITY OF LANCASTER
COLONIAL HEIGHTS ADDITION
PLAT BOOK 6, PAGE 14



STREET VACATION PLAT
Date of Drawing: July 9, 2013

BY: *Rodney McFarland 7/9/13*

Registered Surveyor No. 6418 Date
TOBIN-MCFARLAND SURVEYING INC.
111 West Wheeling Street
Lancaster, Ohio 43130
Ph. 740-887-1710 Fax 740-887-0877