

ORDINANCE NO. 55-14

By: Steve Keyes

**An Ordinance appropriating fee simple interest in land and lesser interests required for the purpose of making and repairing roads and alleys that are open to the public without charge on certain real property in the City of Bexley.**

**WHEREAS**, Council has determined that it is in the interest of health, safety and welfare and in the public interest to provide public access through and among properties adjacent to and north of Main Street east of S. Drexel Avenue including public vehicular access through public easements, alleys and streets to traffic signals at the intersections of S. Drexel Avenue and Main Streets and N. College Avenue and Main Street and to Bexley City Hall; and

**WHEREAS**, public vehicular access through public easements, alleys and streets is necessary for the City's improvement project for the relocation of city hall and for traffic management and control along the Main Street corridor; and

**WHEREAS**, it is in the best interest of the public and the City to appropriate fee simple title and lesser property interests for the City for the construction, improvement and repair of roads including alleys that are open to the public without charge; and

**WHEREAS**, there are multiple owners that may claim an estate, title or interest in and to the property being appropriated and some of the owners of the property are unknown and cannot with reasonable diligence be ascertained; and

**WHEREAS**, the city is unable to agree on a conveyance or the terms of a conveyance with some or all of the owners; and

**WHEREAS**, This Ordinance is adopted pursuant to the Charter and ordinances of the city of Bexley, the constitution and laws of the state of Ohio, including Ohio Revised Code, Chapters 719 and 163.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Bexley, County of Franklin, State of Ohio:

**Section 1.** Fee simple title in and to the real property described in Exhibit A, without limitation of access of abutting properties to the alley, subject to the existing encroachment of the building described in Exhibit B as both are shown on shown on Exhibit C and any lesser real property interests required is hereby appropriated for the public purpose stated herein pursuant to Chapter 719 and 163 of the Ohio Revised Code, City Codes, the Charter of the City of Bexley, and the Constitution and laws of the State of Ohio.

**Section 2.** The purpose of the appropriation is for making and repairing a road and alley, which shall be open to the public without charge.

**Section 3.** The Council hereby fixes the value of the fee simple interest, all lesser real property interests required therein, and site improvements/damages necessitated by

the appropriation as \$46,000, which sum shall be deposited with the Court of Common Pleas, Franklin County, Ohio, for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of shall take possession of and enter upon the property pursuant to law.

**Section 4.** The Council finds that the appropriation is necessary for the stated public purposes, that the City has been unable to agree with an owner of the property and the other requirements of R.C. 163.04 have been met, and that the City intends to obtain immediate possession of the property, which immediate possession is necessary for the stated public purposes.

**Section 5.** The City Attorney or his designee is directed to file a petition for appropriation in a court of competent jurisdiction, to have a jury impaneled to assess the compensation to be paid for the real estate described above.

**Section 6.** \$46,000, or so much thereof as may be needed, has been appropriated.

**Section 7.** This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed \_\_\_\_\_, 2014

\_\_\_\_\_  
Richard Sharp, President of Council

Attest: \_\_\_\_\_, 2014  
Bill Harvey, Clerk of Council

Approved: \_\_\_\_\_, 2014

\_\_\_\_\_  
Ben Kessler, Mayor

First Reading: 10-14-14

Second Reading 10-28-14

**Myers Surveying**  
COMPANY

2740 East Main Street  
Bexley, Ohio 43209-2577  
(614) 235-8677  
Telefax (614) 235-4889  
Email: info@myerssurveying.com

February 7, 2014

**0.097 ACRES**

Situated in the State of Ohio, County of Franklin, City of Bexley, being the remaining part of Lots 15 and 16 of The Wells Heirs Subdivision, "Plat of East Columbus" as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 260, Recorder's Office, Franklin County, Ohio, (all references being to said office unless otherwise noted), as conveyed to the Trustees of Capital University in Deed Book 114, Page 126, Walter W. Morrison in Deed Book 884, Page 567, Daniel O. Clevenger in Deed Book 518, Page 243 and Capital University in Deed Book 671, Page 75 and being all of Easement "A" and Easement "B" on the Plat of Capital University Subdivision, (P.B. 10, Page 297), and being more particularly described as follows:

Beginning at a drill hole found at the northeast corner of Lot 3 of said Capital University Subdivision, being the intersection of the west right-of-way line of South Drexel Avenue (60 feet wide) with the south line of said Easement "A", and the northeast corner of Parcel 1 as conveyed to The Gay Street Realty Company (Deed Book 2237, page 684), and the southeast corner of the remaining land conveyed to said Trustees of Capital University, said drill hole bearing North 04° 09' 00" East, 191.73 feet from a MAG nail found at the intersection of said west line of Drexel Avenue with the north right-of-way line of East Main Street (80 feet wide), at the southeast corner of said Lot 3, formerly the southeast corner of Lot 16;

Thence, across said Lots 16 and 15, along a line parallel with the north line of E. Main Street, along said south line of Easement "A", along the south line of said remaining Trustee of Capital University tract, the remaining Walter W. Morrison tract, the remaining Daniel O. Clevenger tract, along part of the north line of said Parcel 1, and along the north line of the 0.262 acre tract conveyed to The Gay Street Realty Company as shown of record in Inst. No. 201112200165559, and leased to the Columbus Association for the Performing Arts & Friends of the Drexel via a 99 year lease as shown of record in Inst. No. 201112200165562, North 87° 29' 00" West, 192.97 feet to a MAG nail found at the northwest corner of said 0.262 acre tract, the northwest corner of Lot 1 of said Capital University Subdivision, the southwest corner of said remaining Daniel O. Clevenger tract, also being the southwest corner of said Easement "A", and being on the east line of the 1.745 acre tract conveyed to Bexley Community Improvement Corporation as shown of record in Inst. No. 201310110173792;

Thence, along the west line of said Easement "A" and Easement "B", along part of the west line of said Lot 15, along the west line of the remaining Daniel O. Clevenger tract and the remaining Capital University tract, along part of the east line of said 1.745 acre tract, and the same line extended, North 04° 11' 14" East, 147.73 feet to a point on a line as fixed by the Court in the decision in George R. Wannemacher vs. Lillian R. Cochran et. al., Franklin County Court of Common Pleas. Term June 6, 1912, Case No. 60113, Order Book 163, Page 239, passing a found 1" dia. iron pipe with an orange cap inscribed "PS 6579" at 142.73 feet, said point being within Lot 47 of Rownd & Knauss' Park View Sub.(P.B. 4, P. 47);

Thence, across part of said Lot 47, along the line as fixed by the Court, along a north line of the remaining Daniel O. Clevenger tract, South 86° 58' 00" East, 10.00 feet to a point;

Thence, along a line extended northerly from the west line of Lot 5 of said Capital University Sub, passing a 5/8" rebar found at the northwest corner of said Lot 5, at 1.70 feet, along the west line of said Lot 5 and Lot 4 of said Capital University Sub., along the east line of said Easement "B", along the west line of the remaining Daniel O. Clevenger tract and Capital University tract, South 04° 11' 14" West, 132.60 feet to a set iron pipe at the southwest corner of said Lot 4, the southeast corner of the remaining Capital University tract, the intersection of the east line of said Easement "B" with the north line of said Easement "A", and being on a north line of the remaining Daniel O. Clevenger tract;

Continued..

Thence, along the south line of said Lot 4, along a north line of the remaining Daniel O. Clevenger tract, along the north line of the remaining Trustees of Capital University tract, along the north line of said Easement "A", South 87° 29' 00" East, 182.96 feet to a found 1" dia. iron pipe with an orange cap inscribed "PS 6579" at the southeast corner of said Lot 4, being on the west line of said South Drexel Ave., being the northeast corner of the remaining Trustees of Capital University tract, also being the northeast corner of said Easement "A";

Thence, along the west line of said South Drexel Avenue, along the east line of the remaining Trustees of Capital University tract, along the east line of said Easement "A", South 04° 09' 00" West, 15.01 feet to the place of beginning CONTAINING 0.097 ACRES, subject, however to all legal highways, leases, easements, restriction of records and of records in the respective utility office. Iron pipes set are 30" x 1" O.D. with an orange plastic plug inscribed "P.S. 6579", unless otherwise noted. Bearings are based on the north right-of-way line of E. Main Street held as South 87° 29' 00" East per P.B. 10, P. 297. The foregoing description was prepared from an actual boundary survey by Myers Surveying Company Inc. in November, 2013.

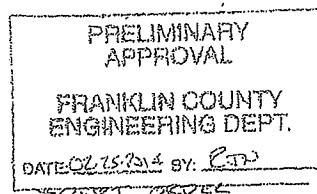
Myers Surveying Co., Inc.

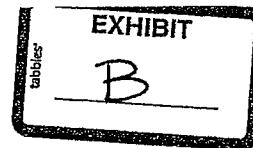
*Joseph P. Myers* 2/7/2014

Joseph P. Myers, P.S. 7361

JPM/emf

(1907012013legal)





2740 East Main Street  
Bexley, Ohio 43209-2577  
(614) 235-8677  
Telefax (614) 235-4559  
Email: info@myerssurveying.com

October 13, 2014

**60 SQUARE FOOT (0.0014 AC.)**

Situated in the State of Ohio, County of Franklin, City of Bexley, being part of Lot 15 of The Wells Heirs Subdivision, "Plat of East Columbus" as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 260, Recorder's Office, Franklin County, Ohio, (all references being to said office unless otherwise noted), as conveyed to Walter W. Morrison in Deed Book 884, Page 567, Daniel O. Clevenger in Deed Book 518, Page 243 and being part of Easement "A" on the Plat of Capital University Subdivision, (P.B. 10, Page 297), and being more particularly described as follows:

Commencing at a drill hole found at the northeast corner of Lot 3 of said Capital University Subdivision, being the intersection of the west right-of-way line of South Drexel Avenue (60 feet wide) with the south line of said Easement "A", and the northeast corner of Parcel 1 as conveyed to The Gay Street Realty Company (Deed Book 2237, page 684), and the southeast corner of the remaining land conveyed to the Trustees of Capital University (D.B. 671, P. 75), said drill hole bearing North 04° 09' 00" East, 191.73 feet from a MAG nail found at the intersection of said west line of Drexel Avenue with the north right-of-way line of East Main Street (80 feet wide), at the southeast corner of said Lot 3, formerly the southeast corner of Lot 16;

Thence, across said Lots 16 and part of Lot 15, along a line parallel with the north line of E. Main Street, along part of the south line of Easement "A", along the south line of said remaining Trustee of Capital University tract, the remaining Walter W. Morrison tract, the remaining Daniel O. Clevenger tract, along part of the north line of said Parcel 1, and along part of the north line of the 0.262 acre tract conveyed to The Gay Street Realty Company as shown of record in Inst. No. 201112200165559, and leased to the Columbus Association for the Performing Arts & Friends of the Drexel via a 99 year lease as shown of record in Inst. No. 201112200165562, North 87° 29' 00" West, 125.00 feet to the TRUE POINT OF BEGINNING;

Thence, continuing across said Lot 15, along a line parallel with the north line of E. Main Street, along part of the south line of said Easement "A", along part of south line of the remaining Morrison and said remaining Clevenger tracts, along part of the north line of said 0.262 Acre tract, North 87° 29' 00" West, 30.00 feet to a point;

Thence across said Lot 15, across said Easement "A", across the remaining said Morrison and Clevenger tract, the following three (3) courses:

- 1) North 02° 31' 00" East, 2.00 feet to a point,
- 2) South 87° 29' 00" East, 30.00 feet to a point,
- 3) South 02° 31' 00" West, 2.00 feet to

the place of beginning, CONTAINING 60 SQUARE FEET (0.0014 ACRE), subject however to all legal highways, easements, agreements, leases, restrictions of record and of records in the respective utility offices. Bearings are based on the north right-of-way line of E. Main Street held as North 87° 29' 00" West per P.B. 10, P. 297.

Myers Surveying Co. Inc.

Joseph P. Myers, P.S. 7361  
JPM/emf (1907012013legalrevised2)



# Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio

614-235-8677

FAX: 614-235-4559

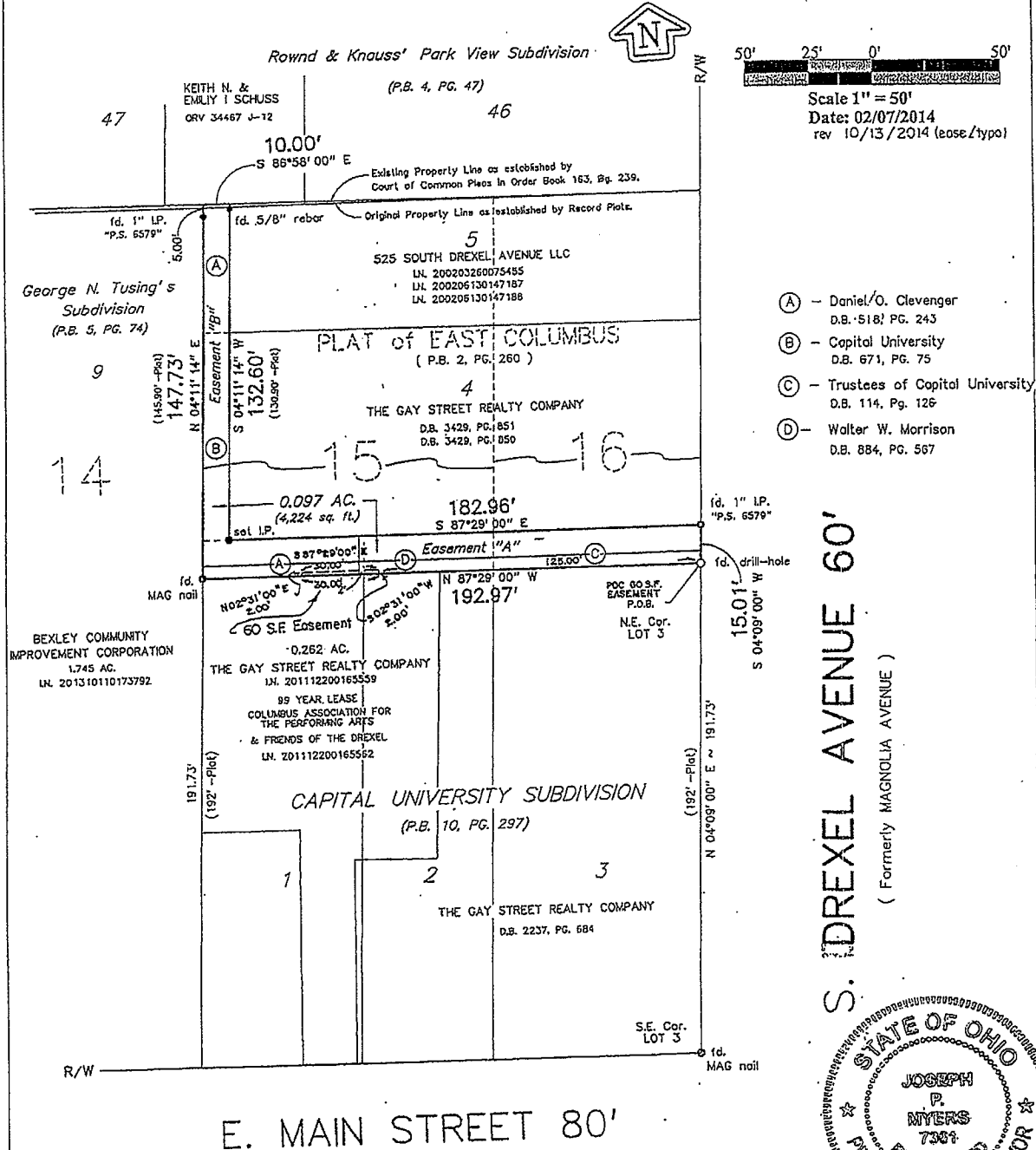
Sheet 1 of 2

## City of Bexley

**Legal Description:** Situated in The State of Ohio, County of Franklin, City of Bexley Being 0.097 Acres, part of Lots 15 & 16 of The Well Heirs Subdivision, "Plat of East Columbus", (P.B. 2, P. 260) shown as Easement "A" & "B" of Capital University Subdivision (P.B. 10, PG. 297).

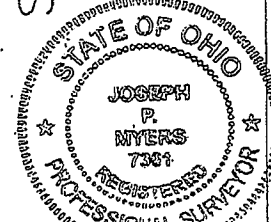
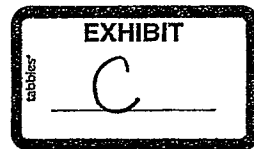
### Applicant:

Posted Address: Alley North of Main Street, Bexley, Ohio



S. DREXEL AVENUE 60'  
(Formerly MAGNOLIA AVENUE)

E. MAIN STREET 80'



Myers Surveying Co., Inc.  
By *[Signature]*  
10-13-2014  
Professional Surveyor

Myers Order No. - 19-07/01/2013

2013070119

Rec.	Field	DWG	Ltr.	Ck.

# Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio  
614-235-8677 FAX:614-235-4559

Sheet 2 of 2

A Boundary Survey prepared for and certified to:

City of Bexley

Legal Description: Situated in The State of Ohio, County of Franklin, City of Bexley Being 0.097 Acres, part of Lots 15 & 16 of The Well Heirs Subdivision, "Plat of East Columbus", (P.B. 2, P. 260) shown as Easement "A" & "B" of Capital University Subdivision (P.B. 10, PG. 297).

Applicant:

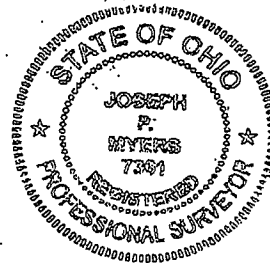
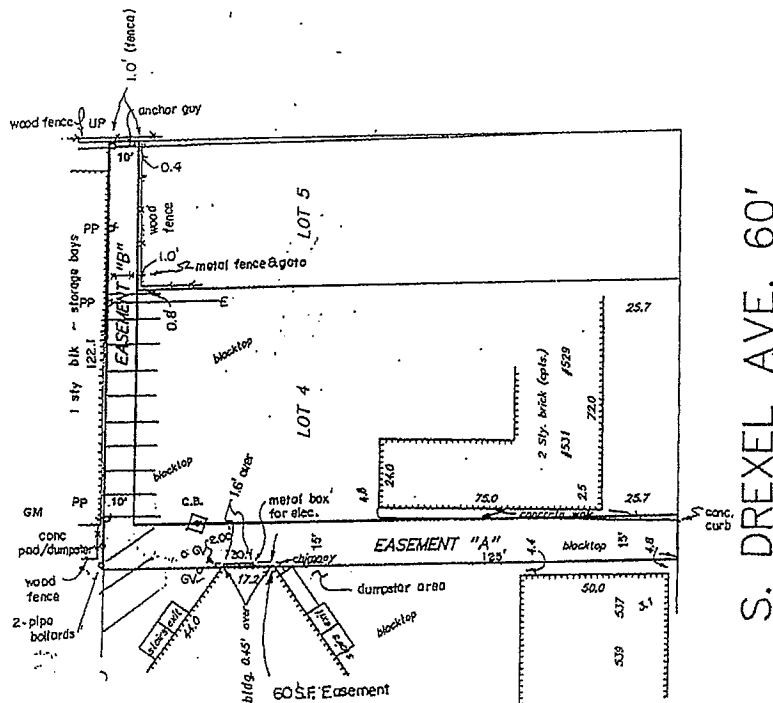
Posted Address: Alley North of Main Street, Bexley, Ohio



Scale 1" = 50'

Date: 02/07/2014

rev 10/13/2014 (ecse/tyo)



We hereby certify that the foregoing Boundary Survey was prepared from actual field measurements in accordance with Chapter 4733-37 Ohio Administrative Code. Iron pipes set are 30"x1" O.D. with an orange plastic plug inscribed "P.S.-6579"; unless otherwise noted. Basis of bearings is the North R/W line of E. Main Street held as North 87° 29' 00" West per Plat Book 10, Page 297.

Myers Surveying Co., Inc.

By *Joseph P. Myers*  
10-13-2014  
Professional Surveyor

Myers Order No. - 19-07/01/2013

1013070119

Rec.

Field

DWG

Ltr.

Ck.