

ORDINANCE NO. _____

By: _____

An Ordinance vacating a portion of an unnamed and unimproved sixteen foot east/west public alley adjacent to and west of N. Roosevelt Avenue between Lot 467 of Ardmore No. 2 Subdivision (179 N. Roosevelt Avenue) and Lot 33 of Bullitt Park East Subdivision (175 N. Roosevelt Avenue) and adjacent to and terminating at Lot 490 and a portion of Lot 491 of the Ardmore No. 2 Subdivision (188 N. Stanwood Road).

WHEREAS, the subdivision known as Ardmore No. 2 was platted and all streets, alleys and roads platted thereon were dedicated to, approved and accepted by Bexley Village Council by ordinance on May 9, 1911 and such plat was subsequently recorded in Plat Book 11, pages 9 and 10 of the Recorder's Office, Franklin County, Ohio; and

WHEREAS, the City of Bexley has examined vacating approximately 230 feet of an existing, unnamed and unimproved 16 foot east/west alley platted in the Ardmore No. 2 Subdivision, which alley is: 1) adjacent to and south of Lot 467 of the Ardmore No. 2 Subdivision, whose street address is now 179 N. Roosevelt Avenue; 2) adjacent to and north of Lot 33 of Bullitt Park East Subdivision of record in Plat Book 7, Page 412 of the Recorder's Office, Franklin County, Ohio, whose street address is now 175 N. Roosevelt Avenue; and 3) adjacent to, east of and terminates at Lot 490 and a portion of Lot 491 of the Ardmore No. 2 Subdivision, whose street address is 188 N. Stanwood Road. That alley is depicted and identified on Exhibit A as Tract 1, Tract 2 and Tract 3 and described in Exhibits B, C and D, respectively, which are attached; and

WHEREAS, portions of the alleys platted in Ardmore No. 2 Subdivision that were adjacent to and abutted the unnamed and unimproved east/west alley described herein on the north and west forming a network of public alleys have previously been vacated by the City of Bexley by Ordinance No. 753 and Ordinance No. 17-79 and the remaining alley described herein is not now used and has never been used by the City, is a dead end alley due to the previous vacations of the abutting alleys by the City, and will not be needed for any foreseeable future need of the City; and

WHEREAS, the vacation of the unnamed and unimproved alley shown on attached Exhibit A and described in attached Exhibits B, C and D has been reviewed by staff and Council; and

WHEREAS, there is an existing shed located upon the unimproved alley as shown on Exhibit A that is not owned or permitted by the City of Bexley and the City has not given any person permission for such shed to be located upon or within City property or the unimproved alley; and

WHEREAS, the property owners adjacent to said alley have been notified of the vacation and the encroaching shed that is not owned by and will not be removed by the City upon the vacation of the alley.

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

Section 1. The Council of the City of Bexley finds there is good cause for vacating a portion of the existing 16 foot east/west alley west of N. Roosevelt Avenue as shown on Exhibit A and described in Exhibits B, C and D that are attached to this Ordinance. The alley described herein has not been improved, is not now used and has never been used by the City, will not be needed for any foreseeable future need, and the vacation of this alley will not be detrimental to the general or public interest or the interest of the City of Bexley.

Section 2. That portion of the 16 foot unnamed and unimproved east/west alley platted in the Ardmore No. 2 Subdivision, recorded in Plat Book 11, Page 9 of the plat records of the Recorder's Office in Franklin County, Ohio as shown on the attached **Exhibit A** as Tract 1, Tract 2 and Tract 3 and described in the attached **Exhibits B, C and D**, be and hereby is vacated and abandoned subject to the provisions of Section 3 and Section 4 below.

Exhibit B describes the north half of the alley being vacated that abuts the southern lot line of Lot 467 of Ardmore No. 2 Subdivision, recorded in Plat Book 11, Page 9 of the Recorder's Office, Franklin County, Ohio.

Exhibit C describes the south half of the alley being vacated that abuts the northern lot line of Lot 33 of Bullitt Park East Subdivision of record in Plat Book 7, Page 412 of the Recorder's Office, Franklin County, Ohio.

Exhibit D describes the west half of the alley being vacated that abuts the eastern property line of Lot 490 and a portion of Lot 491 of Ardmore No. 2 Subdivision, recorded in Plat Book 11, Page 9 of the Recorder's Office, Franklin County, Ohio.

Section 3. The City of Bexley and all persons or companies engaged in the operation of public utilities and any existing public utility affected by this vacation shall retain and have the right to maintain in place, and to construct and erect, all sewers, waterlines, conduits, pipes, poles, and wires, and any other facilities used or useful in the rendition of public utility service and the right of ingress and egress thereto and shall have a permanent easement in the vacated portion of such alley for the purpose of maintaining, operating, renewing, reconstructing and removing said utility facilities and for purposes of access to said facilities as a condition of said vacation, by declaration of this Council and as provided by law.

Section 4. The vacation of the alley described in this Ordinance is subject to any existing rights, privileges, encumbrances or claims including, but not limited to, the shed on the unimproved alley being vacated that was both erected and remains without a permit from or the permission of the City.

Section 5. The Clerk shall record this Ordinance with its attachments in the Franklin County Recorder's Office and shall request the Recorder to cross reference the recording of this Ordinance to the Ardmore No. 2 Subdivision plat recorded in Plat Book 11, Page 9 and the Bullitt Park East Subdivision plat recorded in Plat Book 7, Page 412 of the plat records of the Recorder's Office in Franklin County, Ohio.

Section 6. This Ordinance shall become effective from and after the earliest period provided by law.

Passed _____, 2018

Lori Ann Feibel, President of Council

Attest: _____
William Harvey, Clerk of Council

Approved: _____, 2018

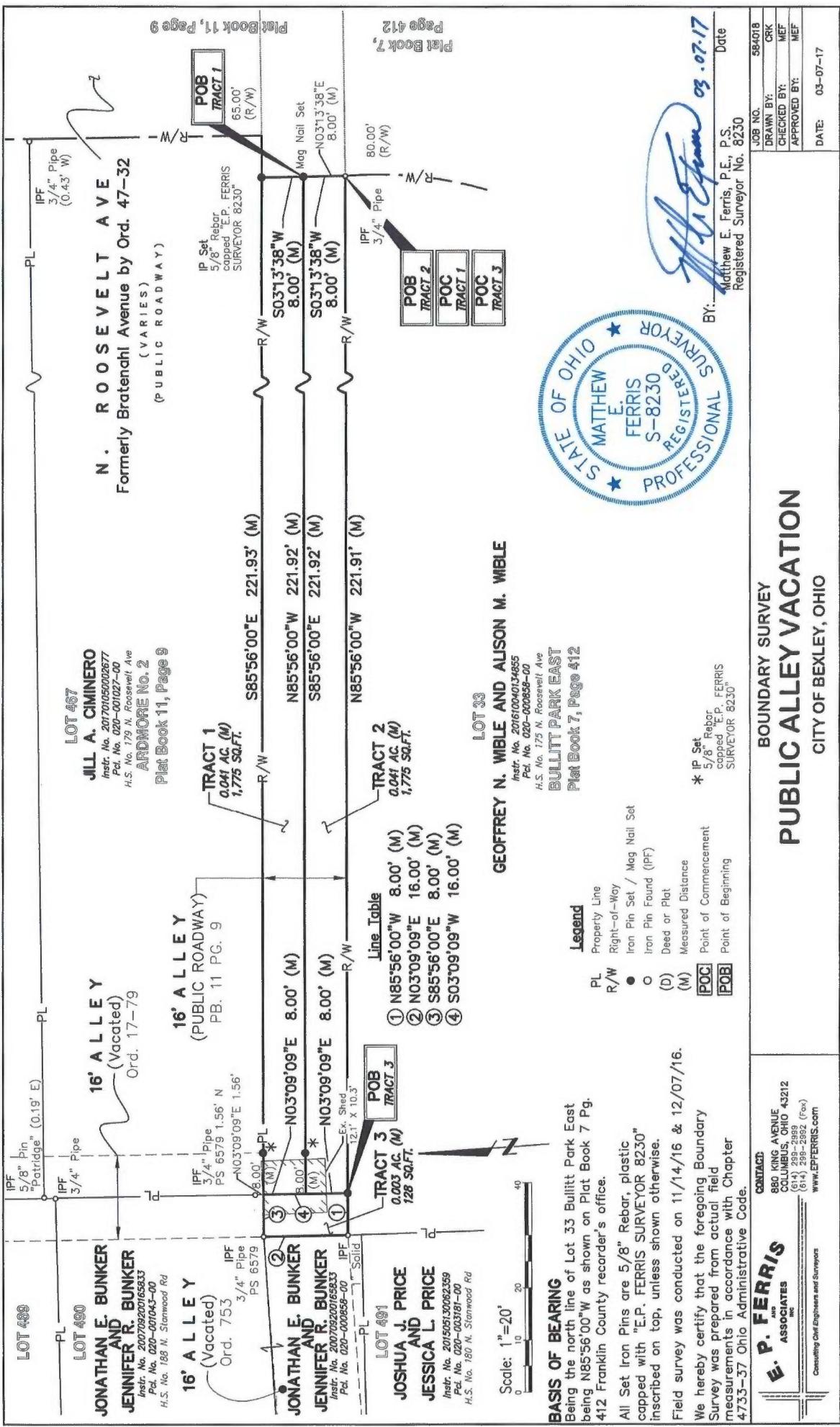
Ben Kessler, Mayor

First Reading:

Second Reading:

Third Reading:

Passed:



EXHIBIT

4

tabbies.

**PUBLIC ALLEY VACATION – TRACT 1
+/-0.041 ACRES**

Situate in the State of Ohio, County of Franklin, City of Bexley, Ohio, Township 5, Range 22, Section 12, Half Section 16, Refugee Lands, within a sixteen (16) foot alley as dedicated in Ardmore No. 2 as recorded in Plat Book 11, Page 9, and being more particularly bounded and described as follows:

Commencing at a 3/4" iron pin found in the south line of said sixteen (16) foot alley, the west line of Roosevelt Avenue (formerly Bratenahl Avenue per Ord. 47-32), also being the northeast corner of a tract of land conveyed to Geoffrey N. Wible and Alison M. Wible in Instrument Number 201610040134855, being Lot Number Thirty-Three (33) of Bullitt Park East, as recorded in Plat book 7, Page 412;

Thence along the east line of said sixteen (16) foot alley and west line of Roosevelt Avenue, North 03 degrees 13 minutes 38 seconds East, 8.00 feet to a Mag Nail Set, and being the **TRUE POINT OF BEGINNING** for the parcel herein described;

Thence across said sixteen (16) foot alley, the following two (2) courses:

1. North 85 degrees 56 minutes 00 seconds West, 221.92 feet, passing a witness 5/8" rebar capped "E.P. Ferris Surveyor 8230" set at 213.92 feet, to a point;
2. North 03 degrees 09 minutes 09 seconds East, 8.00 feet a point in the north line of said sixteen (16) foot alley, also being the south line of a sixteen (16) foot alley, vacated in Ordinance 17-79;

Thence along the north line of said sixteen (16) foot alley, and leaving the south line of said sixteen (16) foot vacated alley, and continuing along the south line of a tract of land conveyed to Jill A. Ciminero in Instrument Number 201701050002677, being Lot Number Four Hundred Sixty-seven (467) of said Ardmore No. 2, South 85 degrees 56 minutes 00 seconds East, 221.93 feet to an iron pin set, passing a witness 5/8" rebar capped "E.P. Ferris Surveyor 8230" set at 8.00 feet;

Thence along the east line of said sixteen (16) foot alley and west line of Roosevelt Avenue, South 03 degrees 13 minutes 38 seconds West, 8.00 feet to the **POINT OF BEGINNING**, containing 0.041 acres (1,775 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 based on the Ohio State Plane Coordinate System North Zone, NAD83 (CORS96). Said bearing originated from a field traverse which was tied to said coordinate system by GPS observation and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station Network. The north line of Lot 33 Bullitt Park East being South 85 degrees 56 minutes 00 seconds East as shown on Plat Book 7, Pg. 412.

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 and Associates in 2016.



A handwritten signature in blue ink, appearing to read "Matthew E. Ferris".

03.07.17

Matthew E. Ferris, P.E., P.S.
Registered Surveyor No. 8230

Date

PUBLIC ALLEY VACATION – TRACT 2
+/-0.041 ACRES

Situate in the State of Ohio, County of Franklin, City of Bexley, Ohio, Township 5, Range 22, Section 12, Half Section 16, Refugee Lands, within a sixteen (16) foot alley as dedicated in Ardmore No. 2 as recorded in Plat Book 11, Page 9, and being more particularly bounded and described as follows:

Commencing at a 3/4" iron pin found in the south line of said sixteen (16) foot alley, the west line of Roosevelt Avenue (formerly Bratenahl Avenue per Ord. 47-32), also being the northeast corner of a tract of land conveyed to Geoffrey N. Wible and Alison M. Wible in Instrument Number 201610040134855, being Lot Number Thirty-Three (33) of Bullitt Park East, as recorded in Plat book 7, Page 412 and being the **TRUE POINT OF BEGINNING** for the parcel herein described;

Thence along the north line of said Wible tract, and the south line of said sixteen (16) foot alley, North 85 degrees 56 minutes 00 seconds West, 221.91 feet to an iron pin set;

Thence across said sixteen (16) foot alley, the following two (2) courses:

1. North 03 degrees 09 minutes 09 seconds East, 8.00 feet to a point;
2. South 85 degrees 56 minutes 00 seconds East, 221.92 feet, passing a witness 5/8" rebar capped "E.P. Ferris Surveyor 8230" set at 8.00 feet, to a Mag Nail Set on the east line of said sixteen (16) foot alley, and west line of Roosevelt Avenue;

Thence along the east line of said sixteen (16) foot alley, and west line of Roosevelt Avenue, South 03 degrees 13 minutes 38 seconds West, 8.00 feet to the **POINT OF BEGINNING**, containing 0.041 acres (1,775 Sq. Ft.) more or less;

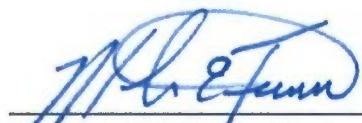
Subject to all legal rights-of-way and/or easements, if any, of previous record.

The basis of bearing is based on the Ohio State Plane Coordinate System North Zone, NAD83 (CORS96). Said bearing originated from a field traverse which was tied to said coordinate system by GPS observation and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station Network. The north line of Lot 33 Bullitt Park East being South 85 degrees 56 minutes 00 seconds East as shown on Plat Book 7, Pg. 412.

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 and Associates in 2016.



 03.07.17
Matthew E. Ferris, P.E., P.S.
Registered Surveyor No. 8230

Date

PUBLIC ALLEY VACATION – TRACT 3

+/-0.003 ACRES

Situate in the State of Ohio, County of Franklin, City of Bexley, Ohio, Township 5, Range 22, Section 12, Half Section 16, Refugee Lands, within a sixteen (16) foot alley as dedicated in Ardmore No. 2 as recorded in Plat Book 11, Page 9, and being more particularly bounded and described as follows:

Commencing at a 3/4" iron pin found in the south line of said sixteen (16) foot alley, the west line of Roosevelt Avenue (formerly Bratenahl Avenue per Ord. 47-32), also being the northeast corner of a tract of land conveyed to Geoffrey N. Wible and Alison M. Wible in Instrument Number 201610040134855, being Lot Number Thirty-Three (33) of Bullitt Park East, as recorded in Plat book 7, Page 412;

Thence along the north line of said Wible tract, and the south line of said sixteen (16) foot alley, North 85 degrees 56 minutes 00 seconds West, 221.91 feet to an iron pin set, and being the **TRUE POINT OF BEGINNING** for the parcel herein described;

Thence continuing along the south line of said sixteen (16) foot alley, North 85 degrees 56 minutes 00 seconds West, 8.00 feet to a 1" iron pin found in the east line of a tract of land conveyed to Jonathan E. Bunker and Jennifer R. Bunker in Instrument Number 200709200165833, the northeast corner of Lot Number Four Hundred Ninety-one (491) of said Ardmore No. 2, the northwest corner of said Wible tract, the southwest corner of said sixteen (16) foot alley, also being the southeast corner of a sixteen (16) foot alley, vacated in Ordinance 753;

Thence along the west line of said sixteen (16) foot alley, the east line of said Bunker tract, and the east line of said sixteen (16) foot vacated alley (Ord. 753), North 03 degrees 09 minutes 09 seconds East, 16.00 feet to a 3/4" iron pin capped "PS 6579" found, being the northwest corner of said sixteen (16) foot alley, the northeast corner of said sixteen (16) foot vacated alley (Ord. 753), the northeast corner of Lot Number Four Hundred Ninety (490) of said Ardmore No. 2, also being the southwest corner of a sixteen (16) foot alley, vacated in Ordinance 17-79;

Thence along the south line of said sixteen (16) foot vacated alley (Ord. 17-79), and the north line of said sixteen (16) foot alley, South 85 degrees 56 minutes 00 seconds East, 8.00 feet to a point, with a witness 5/8" rebar capped "E.P. Ferris Surveyor 8230" set at South 85 degrees 56 minutes 00 seconds East, 8.00 feet;

Thence across said sixteen (16) foot alley, South 03 degrees 09 minutes 09 seconds West, 16.00 feet to the **POINT OF BEGINNING**, containing 0.003 acres (128 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 based on the Ohio State Plane Coordinate System North Zone, NAD83 (CORS96). Said bearing originated from a field traverse which was tied to said coordinate system by GPS observation and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station Network. The north line of Lot 33 Bullitt Park East being South 85 degrees 56 minutes 00 seconds East as shown on Plat Book 7, Pg. 412.

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 and Associates in 2016.




Matthew E. Ferris, P.E., P.S.
Registered Surveyor No. 8230

03.07.17

Date