

RECORD OF ORDINANCES

Ordinance No. 07-31-2009

Passed 7-21, 2009

JUDICIAL

AN ORDINANCE DECLARING THE INTENT TO VACATE A PORTION OF WATER AND EAST BOUNDARY ALLEYS LOCATED NORTH AND EAST OF 200 EAST HIGH STREET.

WHEREAS, on April 1, 2009, the City of Circleville Planning and Zoning Commission recommended to City Council the vacation of a portion of Water and East Boundary Alleys located north and east of 200 East High Street; and

WHEREAS, the Council of the City of Circleville pursuant to Ohio Revised Code Section 723.05 has determined after due investigation and consideration that good cause for such vacation exists; that it will not be detrimental to the general interest and that such vacation should be made; and

WHEREAS, pursuant to Ohio Revised Code Section 723.06, written consent to such vacation has been filed with this council by the owners of the property abutting this portion of the alleys proposed to be vacated, thereby obviating any requirement for written notice to said adjacent property owners; and

WHEREAS, the City of Circleville is an adjacent owner abutting East Boundary Alley and this council agrees to forfeit the city's portion of East Boundary Alley and allow the Board of Commissioners of Pickaway County to claim full title to the vacated East Boundary Alley;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CIRCLEVILLE, PICKAWAY COUNTY, OHIO AS FOLLOWS:

SECTION I. The City of Circleville, as an adjacent owner abutting to the east of East Boundary Alley, hereby agrees to forfeit its ownership in 8.25 feet of said alley upon its vacation and to instead permit the Board of Commissioners of Pickaway County to claim full title to the entire 16.5 feet of said vacated East Boundary Alley.

SECTION II. That pursuant to Ohio Revised Code Section 723.05, that a portion of Water Alley located North of property at 200 East High Street, being 49.50 feet wide and extending from the East line of Pickaway Street East to the East Line of East Boundary Alley, and that a portion of East Boundary Alley located East of property at 200 East High Street, being 16.50 feet wide and extending from the North line of High Street North to the South line of Water Alley, and the same is hereby vacated.

SECTION III. After the approval of this vacation, the following-described portion of the above alleys shall be added to the adjacent property owned by the Board of Education of the Circleville Union School and Board of Commissioners of Pickaway County, Ohio, which is more particularly described as follows and as shown by the survey and plat attached hereto, marked Exhibit "A" and Exhibit "B", respectively, and incorporated herein by reference.

SECTION IV. That the Board of Commissioners of Pickaway County, Ohio, shall be required as a condition of the within ordinance, to undertake, at their own expense, to record, survey or do any other act required to comply with the laws of the State of Ohio concerning the vacation of this alley, including the recording of this ordinance and the making of marginal entries on all deeds abutting said vacation.

SECTION V. That this Ordinance shall take effect and be in force from and after the earliest period permitted by law.

PASSED: 7-21-2009
DATE

William D. ...
PRESIDENT OF COUNCIL

ATTEST: Judith M. ...
CLERK OF COUNCIL

APPROVED: 7-22-09
DATE

Charles ...
MAYOR

APPROVED AS TO FORM:

Gary D. Kenworthy
GARY D. KENWORTHY, LAW DIRECTOR

REVIEWED BY LAW DIRECTOR
AND APPROVED AS TO FORM

EXHIBIT "A"

Legal Description
City of Circleville, Pickaway County, Ohio
For the Purpose of Vacating Parts of
Water Alley and East Area Alley
0.256 Acres
For: Brooks Yates School

Situated in the City of Circleville, County of Pickaway, the State of Ohio being more particularly bounded and described as follows,

Being the part of Water Alley that lies directly North of Lot 32 and Lot 33 per the renumbering of Lots for the City of Circleville and the part of East Boundary Alley that lies along the entire East side of said Lot 33.

Beginning at a ½" rebar found at the Southeast corner of said Lot 33 being at the point of intersection of the North line of High Street with the West line of East Boundary Alley;

Thence with the line between Lot 33 and East Boundary Alley N21°44'25"E 181.71 feet to a ½" rebar found at the Northeast corner of said Lot 33 and being at the point of intersection of the West line of East Boundary Alley with the South line of Water Alley;

Thence with said South line being the North line of Lot 33 and Lot 32 N68°31'01"W 148.45 feet to an iron pin set at the Northwest corner of Lot 32 being the point of intersection of said South line with the East line of Pickaway Street;

Thence leaving said common line and crossing Water Alley N21°45'58"E 49.50 feet to an iron pin set at the Southeast corner of a 0.1875 acre tract (reference Official Record 628, Page 2292) being the point of intersection of the East line of Pickaway Street with the North line of Water Alley;

Thence with said North line being the South line of said 0.1875 acre tract S68°31'01"E 164.92 feet to an iron pin set at the Southeast corner of said Lot being at the point of intersection of said North line with the East line of East Boundary Alley;

Thence with said East line and partially with the West line of a 4.90 acre tract (reference Deed Book J, Page 133) S21°44'25"W 231.20 feet (passing an iron pin set at 3.96 feet) to an iron pin set;

Thence leaving said common line and crossing East Boundary Alley N68°32'29"W 16.50 feet to the **POINT OF BEGINNING**;

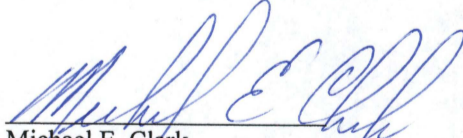
Containing **0.256 Acres**, more or less.

Subject to all existing valid rights-of-way and easements of record.

All iron pins shown as set are 5/8" diameter by 30" long rebar with yellow plastic identification cap stamped "M.E. CLARK ASSOC."

Bearing as shown are based on the Ohio South Zone GPS monuments labeled "2000-015" and "2000-016".

I hereby certify that the foregoing legal description and the attached plat are a true representation of the conditions as they existed on the date of the survey and that the accuracy of same is consistent with accepted surveying standards.


Michael E. Clark
Professional Surveyor # 6808

File No. E09-1005

6-29-09
Date



EXHIBIT B

Robert H. & Carol B. Huffer
1.23 Ac.
Deed Book 230, Page 491

Board of Commissioners
of Pickaway County
0.1875 Ac.
Official Record 628, Page 2292

0.256 Acres

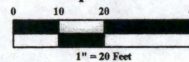
Water Alley - 49.50' Wide

Pickaway Street - 82.50' Wide

East Boundary Alley - 16.50' Wide

Board of Commissioners
of Pickaway County
Lot 32 and Lot 33
Deed Book 319, Page 108

Graphic Scale



City of Circleville
4.90 Ac.
Deed Book J, Page 133

Legend

- Iron Pin Set
- Iron Pin Found
- ▲ Railroad Spike Set
- △ Railroad Spike Found
- P.K. Nail Set
- P.K. Nail Found
- Post Found

High Street - 82.50' Wide

BEARING REFERENCE: BASED ON OHIO SOUTH ZONE GPS MONUMENTATION
LABELED "2000-015" AND "2000-016".

PLASTIC CAP STAMPED "M.E. CLARK ASSOC."

ALL IRON PINS SHOWN AS FOUND ARE IN GOOD CONDITION UNLESS NOTED
OTHERWISE.

I HEREBY CERTIFY THAT THE ATTACHED PLAT IS A TRUE REPRESENTATION
OF A SURVEY PERFORMED BY MICHAEL E. CLARK & ASSOCIATES UNDER MY
DIRECT SUPERVISION AND THAT THE ACCURACY OF SAID SURVEY IS
CONSISTENT WITH CURRENT ACCEPTED SURVEYING STANDARDS.

Michael E. Clark
MICHAEL E. CLARK P.S. #6808

6-29-09
DATE



MICHAEL E.
CLARK & ASSOCIATES

ENGINEERS - SURVEYORS - PLANNING CONSULTANTS
105 WEST MAIN STREET
CIRCLEVILLE, OHIO 45113
PHONE (740) 474-6333 FAX (740) 474-9553

CITY OF CIRCLEVILLE, PICKAWAY COUNTY, OHIO

SECTION / V.M.S.

PLAT OF SURVEY

For: Brooks Yates

File No.: E09-1005

Drawn By: JAF

Date: June 2009

Scale: 1" = 20'