TEMPORARY ORDINANCE NO	). 1-20
PERMANENT ORDINANCE NO	)

AN ORDINANCE TO VACATE A PORTION OF LOWELL DRIVE AND ALL OF EMERSON BOULEVARD WITHIN JOHN D. VAN GUNDY'S REVISION OF THE COLONIAL HEIGHTS ADDITION AND TO DECLARE AN EMERGENCY

WHEREAS, City personnel have determined that the portion of Lowell Drive and all of Emerson Boulevard, as described in Exhibits A, B, C, and D attached hereto as well as on plats of survey delineated as Exhibits E and F, 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 December 12, 2019, vacating said roadways and/or portions thereof, attached and delineated on Exhibits A, B, C, D, E, and F; and

WHEREAS, publication, notice, and a public hearing are not required by the Ohio Revised Code when all adjoining property owners sign the petition pursuant to O.R.C. 723.06;

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 John D. Van Gundy's Revision of the Colonial Heights Addition, as described/shown in Exhibits A, B, C, D, E, and F 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. Several sanitary sewer easements were found to have inadequate width for the Water Pollution Control Department (WPCD) to be able to maintenance/repair lines within subject property. The WPCD requests that new easements be established through the platting process so that easement widths of adequate size can be established.
- 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.
- e. The petitioner shall be required to connect a sidewalk from the Lowell Drive (remaining public road section) to the

Bridgestone/Firestone store sidewalk that is currently under construction drawing review.

- f. The ROW vacation shall be tabled at City Council until all platting of new easements is submitted, approved, and is accepted by City Council.
- g. The City of Lancaster reserves the right to limit access along the rear of the parcels that have frontage on Memorial Drive. (Depending on final development layout and internal traffic circulation)
- h. The City is requiring that the developer mitigate traffic queuing along the private ingress/egress easement (Sherwin Williams Store) based upon a Traffic Impact Study that was completed by the developer. This mitigation measure will be approved through the City Engineer's Office during the plan development stage.

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:afterrea	ding. Vote: YeasNays
Approved:	
Clerk:	President of Council
Offered by:	Mayor
Second by:	2
Requested by Economic Development Committee	
	hereby certify that on, 2020 in ry of this ordinance in accordance with Ohio Revised
	Clerk of Council





## **DESCRIPTION OF A 0.117 ACRE TRACT**

Situated in the State of Ohio, County of Fairfield, City of Lancaster, Section 36, Township 15, Range 19, United States Military Lands, being part of Emerson Boulevard in John D. Vangundy's Revision of parts of Blocks 1-9 & 10 and Block 11 in Colonial Heights Addition, of record in Plat Book 8, Page 124, all references to records being on file in the Office of the Recorder, Fairfield County, Ohio, said 0.117 acre tract being more fully described herein;

**BEGINNING** at the northeast corner of said Lot 2, and the northwest corner of Lot 1 in said Colonial Heights Addition;

Thence, North 23°45'35" East, a distance of 30.66 feet, through said Emerson Boulevard in said John D. Vangundy's Revision of parts of Blocks 1-9 & 10 and Block 11 in Colonial Heights Addition, to an iron pin set in the centerline of said Emerson Boulevard;

Thence, with the centerline of said Emerson Boulevard, the following two (2) courses:

- 1. With a curve to the right, having a radius of 530.08 feet, a delta angle of 09°53'39", an arc length of 91.54 feet, a chord bearing of South 49°42'16" East and a chord distance of 91.42 feet, to an iron pin set;
- 2. South 44°45'26" East, a distance of 66.90 feet, to an iron pin set;

Thence, South 20°14'33" West, a distance of 74.51 feet, to an iron pin set at the southeast corner of said Lot 1;

Thence, with the north line of said Lot 1, the following Three (3) courses:

- With a curve to the left, having a radius of 65.00 feet, a delta angle of 64°59'59", an arc length of 73.74 feet, a chord bearing of North 12°15'26" West and a chord distance of 69.85 feet, to an iron pin set;
- 2. North 44°45'26" West, a distance of 39.48 feet, to an iron pin set;
- 3. With a curve to the left, having a radius of 500.09 feet, a delta angle of 09°11'18", an arc length of 80.20 feet, a chord bearing of North 49°21'05" West and a chord distance of 80.11 feet, to the TRUE POINT OF BEGINNING, containing. 0.117 acres, subject to all easements and documents of record.

All Iron pins set are 5/8-inch solid rebar, 30 inches in length, with a yellow plastic cap bearing the initials "CEC INC".

For the purpose of this description a bearing of North 73°11'37" West as determined for the south property line of a tract of land conveyed to Fairfield Commercial Properties of record in Official Record Volume 1744, Page 3531, as based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011 adjustment). Said bearing was established by Static and RTK GPS Observations, calculated using National Geodetic Survey, OPUS-S service performed on June 12 of the year 2019.

This document is based from an actual field survey performed by or under my direct supervision in June, 2019.

MARK ALAN SMITH S-8232

Mark Alan Smith, P.S. Registered Surveyor No. 8232 Date

13/14/219

AL CONSULTANTS, INC.

Date Prepared: 10/14/2019

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## **DESCRIPTION OF A 0.162 ACRE TRACT**

Situated in the State of Ohio, County of Fairfield, City of Lancaster, Section 36, Township 15, Range 19, United States Military Lands, being part of Emerson Boulevard in John D. Vangundy's Revision of parts of Blocks 1-9 & 10 and Block 11 in Colonial Heights Addition, of record in Plat Book 8, Page 124, all references to records being on file in the Office of the Recorder, Fairfield County, Ohio, said 0.162 acre tract being more fully described herein;

**BEGINNING** at the northeast corner of said Lot 2, and the northwest corner of Lot 1 in said Colonial Heights Addition;

Thence, with the north line of said Lots 2, 3, 4, and part of Lot 5, the following Two (2) courses:

- With a curve to the left, having a radius of 500.09 feet, a delta angle of 12°10'42", an arc length
  of 106.30 feet, a chord bearing of North 60°02'06" West and a chord distance of 106.10 feet,
  to an iron pin set;
- North 66°07'27" West, a distance of 129.53 feet, to an iron pin set on the south line of Emerson Boulevard, and being the northwest corner of a tract of land, conveyed to Burger King Corporation, in the north line of Lot 5 in said Colonial Heights Addition;

Thence, North 23°43'02" East, a distance of 30.00 feet, through said Emerson Boulevard in said John D. Vangundy's Revision of parts of Blocks 1-9 & 10 and Block 11 in Colonial Heights Addition, to an iron pin set on the centerline of said Emerson Boulevard;

Thence, with the centerline of said Emerson Boulevard, the following two (2) courses:

- 1. South 66°07'27" East, a distance of 129.61 feet, to an iron pin set;
- With a curve to the right, having a radius of 530.08 feet, a delta angle of 11°28'22", an arc length of 106.14 feet, a chord bearing of South 60°23'16" East and a chord distance of 105.97 feet, to an iron pin set;

Thence, South 23°45'35" West, a distance of 30.66 feet, through said Emerson Boulevard in said John D. Vangundy's Revision of parts of Blocks 1-9 & 10 and Block 11 in Colonial Heights Addition, to the **TRUE POINT OF BEGINNING**, containing. 0.162 acres, subject to all easements and documents of record.

All iron pins set are 5/8-inch solid rebar, 30 inches in length, with a yellow plastic cap bearing the initials "CEC INC".

For the purpose of this description a bearing of North 73°11′37" West as determined for the south property line of a tract of land conveyed to Fairfield Commercial Properties of record in Official Record Volume 1744, Page 3531, as based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011 adjustment). Said bearing was established by Static and RTK GPS Observations, calculated using National Geodetic Survey, OPUS-S service performed on June 12 of the year 2019.

This document is based from an actual field survey performed by or under my direct supervision in June, 2019.

MARK ALAN SMITH S-8232

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Mark Alan Smith, P.S.

Registered Surveyor No. 8232

Date

10/14/2019

Date Prepared: 10/14/2019

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## **DESCRIPTION OF A 0.977 ACRE TRACT**

Situated in the State of Ohio, County of Fairfield, City of Lancaster, Section 36, Township 15, Range 19, United States Military Lands, and being part of Emerson Boulevard in John D. Vangundy's Revision of parts of Blocks 1-9 & 10 and Block 11 in Colonial Heights Addition, of record in Plat Book 8, Page 124, all references to records being on file in the Office of the Recorder, Fairfield County, Ohio, said 0.977 acre tract being more fully described herein;

**BEGINNING** at a 5/8" rebar found at the northeast corner of Lot 10 in Colonial Heights Addition, of record in Plat Book 6, Page 14, the southeast corner of part of vacated Emerson Boulevard, of record in Ordinance Number 76-55, and also being a common corner of Reserve "A" in said John D. Vangundy's Revision of parts of Blocks 1-9 & 10 and Block 11 in Colonial Heights Addition and a 14.751 acre tract of land, conveyed to Fairfield Commercial Properties, LLC, of record in Official Record Volume 1744, Page 3531;

Thence, with a line common to said Reserve "A", and said 14.751 acre tract, the following seven (7) courses:

- 1... North 20°13'51" East, a distance of 98.24 feet, to an iron pin set;
- 2. With a curve to the left, having a radius of 649.35 feet, a delta angle of 14°18'46", an arc length of 162.21 feet, a chord bearing of North 81°24'34" East and a chord distance of 161.79 feet, to an iron pin set;
- 3. South 15°57'58" East, a distance of 60.00 feet, to an iron pin set;
- 4. With a curve to the left, having a radius of 41.03 feet, a delta angle of 140°21'51", an arc length of 100.52 feet, a chord bearing of South 04°03'52" West and a chord distance of 77.20 feet, to an iron pin set;
- 5. South 66°07'27" East, a distance of 214.23 feet, to an iron pin set;
- 6. With a curve to the right, having a radius of 560.08 feet, a delta angle of 21°22'01", an arc length of 208.87 feet, a chord bearing of South 55°26'27" East and a chord distance of 207.66 feet, to a point;
- 7. With a curve to the left, having a radius of 33.71 feet, a delta angle of 114°59'43", an arc length of 67.66 feet, a chord bearing of North 77°44'33" East and a chord distance of 56.86 feet, to a point at a southeast corner of said 14.751 acre tract, and being on the west right-of-way line of Lowell Road in said John D. Vangundy's Revision of parts of Blocks 1-9 & 10 and Block 11 in Colonial Heights Addition;

Thence, through said Emerson Boulevard in said John D. Vangundy's Revision of parts of Blocks 1-9 & 10 and Block 11 in Colonial Heights Addition the following five (5) courses:

- 1. South 20°14'33" West, a distance of 86.01 feet, to an iron pin set;
- 2. North 44°45'26" West, a distance of 66.90 feet, to an iron pin set;
- With a curve to the left, having a radius of 530.08 feet, a delta angle of 21°22'01", an arc length
  of 197.68 feet, a chord bearing of North 55°26'27" West and a chord distance of 196.54 feet,
  to an iron pin set;
- 4. North 66°07'27" West, a distance of 129.61 feet, to an iron pin set;

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- 5. South 23°43'02" West, a distance of 30.00 feet, to an iron pin set on the south line of said Emerson Boulevard, and being the northwest corner of a tract of land, conveyed to Burger King Corporation, in the north line of Lot 5 in said Colonial Heights Addition;
- 6. Thence, North 66°07'22" West, a distance of 72.50 feet, with the south line of said Emerson Boulevard, the north line of Lot 6 in said Colonial Heights Addition of a tract of land, conveyed to Diann L. Helber, Trustee, of record in Official Record Volume 1771, Page 1425, to an iron pin set at the northeast corner of said 14.751 acre tract;

Thence, with a curve to the left, having a radius of 3083.81 feet, a delta angle of 03°50'59", an arc length of 207.20 feet, a chord bearing of North 67°50'14" West and a chord distance of 207.16 feet, with a line common with the south line of said Emerson Boulevard, and said 14.751 acre tract, to the TRUE POINT OF BEGINNING, containing 0.977 acres, subject to all easements and documents of record.

All iron pins set are 5/8-inch solid rebar, 30 inches in length, with a yellow plastic cap bearing the initials "CEC INC".

For the purpose of this description a bearing of North 73°11'37" West as determined for the south property line of a tract of land conveyed to Fairfield Commercial Properties of record in Official Record Volume 1744, Page 3531, as based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011 adjustment). Said bearing was established by Static and RTK GPS Observations, calculated using National Geodetic Survey, OPUS-S service performed on June 12 of the year 2019.

This document is based from an actual field survey performed by or under my direct supervision in June, 2019.

MARK
ALAN
SMITH
S-8232

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Mark Alan Smith, P.S. Registered Surveyor No. 8232 Date

10/14/2019

Date Prepared: 10/14/2019
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## **DESCRIPTION OF A 1.051 ACRE TRACT**

Situated in the State of Ohio, County of Fairfield, City of Lancaster, Section 36, Township 15, Range 19, United States Military Lands, and being part of Lowell Drive in John D. Vangundy's Revision of parts of Blocks 1-9 & 10 and Block 11 in Colonial Heights Addition, of record in Plat Book 8, Page 124, all references to records being on file in the Office of the Recorder, Fairfield County, Ohio, said 1.051 acre tract being more fully described herein;

**BEGINNING** at a point at the northwest corner of Lot 14 Block 1 in Colonial Heights Addition, of record in Plat Book 6, Page 14, the southwest corner of Reserve "B" in said John D. Vangundy's Revision of parts of Blocks 1-9 & 10 and Block 11 in Colonial Heights Addition and a 3.654 acre tract of land, conveyed to Fairfield Commercial Properties, LLC, of record in Official Record Volume 1744, Page 3531;

Thence, North 71°28'33" West, a distance of 60.03 feet, through said Lowell Drive to a point on the west line of said Lowell Drive, the east line of a 14.751 acre tract of land, conveyed to Fairfield Commercial Properties, LLC, of record in Official Record Volume 1744, Page 3531, and being on the east line of Reserve "A" in said John D. Vangundy's Revision of parts of Blocks 1-9 & 10 and Block 11 in Colonial Heights Addition, of record in Plat Book 8, Page 124;

Thence, with the west line of said Lowell Drive and the east line of said 14.751 acre tract, the following three (3) courses:

- 1. North 20°14'33" East, a distance of 377.63 feet, to an iron pin set;
- 2. With a curve to the right, having a radius of 373.24 feet, a delta angle of 32°10'00", an arc length of 209.54 feet, a chord bearing of North 36°19'33" East and a chord distance of 206.80 feet, to a ½" iron pipe found;
- 3. North 52°24'33" East, a distance of 193.32 feet, to an iron pin set at a northeast corner of sald 14.751 acre tract, and being on the south line of N. Columbus Street;

Thence, South 38°47'19" East, a distance of 60.01 feet, with the north right-of-way line of said Lowell Drive, and the south right-of-way line of said N. Columbus Street, to an iron pin set at the northwest corner of said 3.654 acre tract:

Thence, with the east line of said Lowell Drive, and the west line of said 3.654 acre tract the following three (3) courses:

- 1. South 52°24'33" West, a distance of 194.58 feet, to an iron pin set;
- 2. With a curve to the left, having a radius of 313.23 feet, a delta angle of 32°10'00", an arc length of 175.85 feet, a chord bearing of South 36°19'33" West and a chord distance of 173.55 feet, to an iron pin set;
- South 20°14'33" West, a distance of 375.83 feet, to the TRUE POINT OF BEGINNING, containing 1.051 acres, subject to all easements and documents of record.

All iron pins set are 5/8-inch solid rebar, 30 inches in length, with a yellow plastic cap bearing the initials "CEC INC".

For the purpose of this description a bearing of North 73°11'37" West as determined for the south property line of a tract of land conveyed to Fairfield Commercial Properties of record in Official Record Volume 1744, Page 3531, as based on the Ohio State Plane Coordinate System, South Zone, NAD83 (2011 adjustment). Said bearing was established by Static and RTK GPS Observations, calculated using National Geodetic Survey, OPUS-S service performed on June 12 of the year 2019.

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This document is based from an actual field survey performed by or under my direct supervision in June, 2019.

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

MARK ALAN SMITH S-8232

Mark Alan Smith, P.S. Registered Surveyor No. 8232

Date

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