

By: Mark R. Masser

An Ordinance to vacate the unnamed alley and right-of-way, being the first alley lying south of Main Street and extending from Pleasant Ridge Avenue east to the west property line of 2375 East Main Street, and to declare an emergency.

WHEREAS, all of the property owners of property abutting that certain unnamed alley and right-of-way lying south of Main Street and extending from Pleasant Ridge Avenue east to the west property line of 2375 East Main Street (the "Alley"), have petitioned this Council praying that the alley be vacated; and

WHEREAS, the Main Street Redevelopment Commission (the "MSRC") conditioned its approvals of the Capital Center of Capital University upon the vacation of the Alley; and

WHEREAS, this Council is authorized by Section 723.04 of the Ohio Revised Code to vacate streets and alleys upon the petition of property owners, upon hearing, and upon being satisfied that there is good cause for such vacation and that such vacation will not be detrimental to the public interest and that it should be made; and

WHEREAS, this Council finds that there is good cause for vacation of the Alley and that it will not be detrimental to the public interest because, among other reasons, the vacation will avoid the necessity of two curb cuts on Pleasant Ridge Avenue, the vacation allows the construction of a landscape buffer to the north of the Capital Center, the vacation allows properties north of the Alley to use a portion of the vacated Alley for parking, facilitates the redevelopment of property at 2375 East Main Street, the vacation is compatible with and enhance the pedestrian aspects of East Main Street and Pleasant Ridge Avenue, the vacation relieves the City of the obligation of maintaining the Alley, there is no present or foreseeable need for use of the Alley by the City or the public, and the vacation has been recommended by the MSRC as part of its review of the Capital Center;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the Alley is hereby declared vacated, subject to and on the conditions set forth in the petition of property owners attached to this Ordinance and incorporated herein as Exhibit A and subject to the preparation of a survey providing an appropriate legal description of the Alley acceptable to the City.

Section 2. That this Council finds that there is good cause for the vacation provided in Section 1 and that such vacation will not be detrimental to the public interest and should be made for the reasons set forth in the recitals.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, safety or welfare, said emergency being the need to complete improvements to the vacated alley during the current construction season, and shall be in full force and effect immediately upon its passage.

Passed: Sept 25, 2001

  
\_\_\_\_\_  
President of Council

Attest: Richard A. Levin  
Clerk of Council

Approved: 9/25, 2001

  
\_\_\_\_\_  
David H. Madison, Mayor

7/24/01 First Reading

8/13/01 Second Reading

9/25/01 Third Reading  
Passed

**PETITION AND/OR CONSENT FOR VACATION OF PUBLIC RIGHT OF WAY**

To the City Council of Bexley, Ohio:

This petition and consent for vacation of the public right of way currently owned and maintained by the City of Bexley, described as the first alley south of Main Street extending from Pleasant Ridge Avenue east to the west property line of 2375 East Main Street and as shown on the survey attached hereto as Exhibit A (hereinafter referred to as the "Alley"), is being made by the following owners abutting the Alley whose names and addresses are:

Capital University, the owner of all of the property south of the Alley;

Stelios G. and Barbara T. Giannopoulos, the owners of 2359 East Main Street;

The Bexley Excelsior, LLC., the owner of 2375 East Main Street.

Lowell C. Meckler, Jason M. Dolin, David A. Dachner, and Paul F. Hunt, the owners of 2369 East Main Street, which also abuts the Alley, only join in this document to certify their consent to the vacation of the Alley.

The purposes for the petition to vacate are (1) to allow the construction of a two lane ingress and egress drive from Pleasant Ridge Avenue for the mutual use and convenience of Capital University, The Bexley Excelsior, LLC, and Stelios and Barbara Giannopoulos, and all of their successors in interest, (2) to allow the completion of the development of the Capital University Physical Activities Center in accordance with the previously approved plans of the Main Street Development Commission (3) to allow the development of a commercial building on 2375 East Main that will enhance the pedestrian access along Main Street by not having a drive for ingress and egress from Main Street; (4) to avoid requiring two curb cuts on Pleasant Ridge Avenue (5) to allow the construction of a landscaping buffer to the north of Capital University's Physical Activities Center; (6) to allow the property owners to the north of the Alley to use the part of the Alley vacated to them for their own parking and other use, and (7) to relieve the City of Bexley of the burden of maintaining the Alley.

The southern five (5) feet of the alley will be vacated to the ownership of Capital University. The northern ten (10) feet of the alley will be vacated to the respective owners of the 2359 East Main Street and 2369 East Main Street.

Capital University and The Bexley Excelsior, LLC, will grant each other and the owners of 2359 East Main Street perpetual easements for ingress and egress using the two-lane drive. The owners of 2359 East Main Street and 2369 East Main Street will perpetually use the southernmost four (4) feet of the premises vacated to them for a landscape buffer.

The two-lane ingress and egress drive will be constructed in accordance with the drawings to be approved by the City of Bexley. Capital University will construct the improvements. The Bexley Excelsior, LLC will contribute the increased costs for labor and materials for seven (7) additional feet of width of the two-lane drive and will pay Capital University fifty percent (50%) of the costs for maintenance of the drive. The owners of 2359 East Main Street and 2369 East Main Street will maintain their respective portions of the landscape buffer vacated to them.

Handwritten notes and signatures: 2353-2359, JJ, BB, and various initials and signatures throughout the document.

The following owners of the property described herein join in this petition and consent to the vacation of the Alley by virtue of their signatures below.

**Capital University**

By:



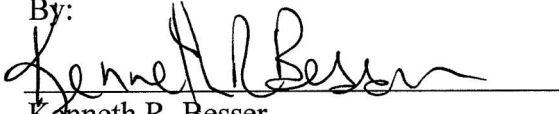
Vern Trufsdale

Its: Treasurer

**2375 East Main Street**

**The Bexley Excelsior, LLC**

By:



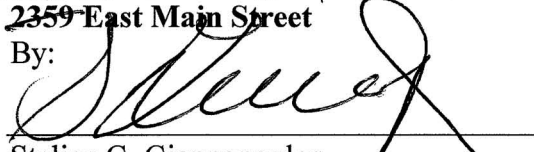
Kenneth R. Besser

Its: Managing Member

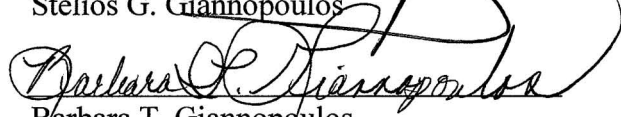
2353-2359 East Main Street

**2359 East Main Street**

By:



Stelios G. Giannopoulos



Barbara T. Giannopoulos

The following owners only consent to the vacation of the Alley.

**2369 East Main Street**

By:



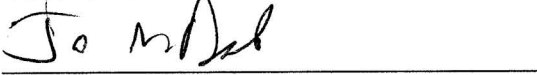
Lowell C. Meckler



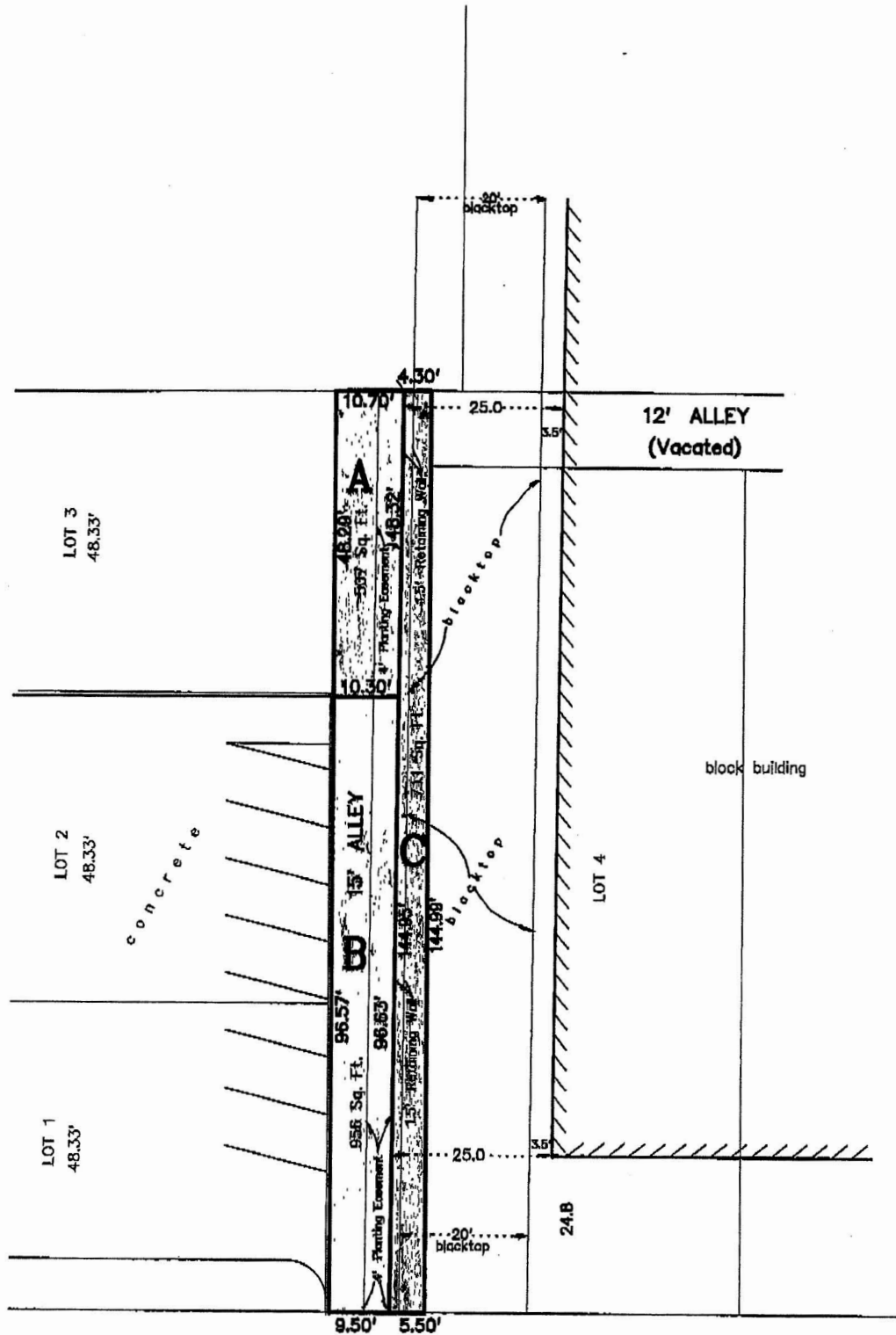
David A. Dachner



Paul F. Hunt



Jason M. Dolin



PLEASANT RIDGE AVENUE 60'