

ORDINANCE NO. 40 -03

By: Jeffrey L McClelland

An Ordinance to amend Ordinance No. 58-01 and the terms on which the first alley south of East Main Street extending from Pleasant Ridge Avenue east to the west property line of 2375 East Main Street shall be vacated, and to declare an emergency.

WHEREAS, the first alley south of East Main Street extending from Pleasant Ridge Avenue east to the west property line of 2375 East Main Street (the "Alley") was vacated by Ordinance No. 58-01, but such vacation has not become effective because certain conditions precedent set forth in said ordinance were not fulfilled;

WHEREAS, all of the current owners of the properties abutting the Alley have submitted an amended petition and consent requesting the vacation of said alley and have agreed to a revised site plan for the private driveway and related improvements to be constructed within the vacated public right of way in the form attached hereto and incorporated herein as Exhibit 1; and

WHEREAS, this Council, upon hearing, is satisfied that there is good cause to vacate the Alley in accordance with the amended petition and consent and the revised site plan, that the vacation will not be detrimental to the general interest and that the Alley should be vacated;

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

Section 1. Ordinance No. 58-01 is hereby amended to vacate the Alley subject to and on the terms set forth in the amended petition and consent attached as Exhibit 1, and the Alley is hereby so vacated.

Section 2. That this Ordinance is an emergency measure necessary for the immediate preservation of the public health, safety or welfare, said emergency being the necessity of constructing the new driveway and related improvements at the earliest possible date, and shall be in effect upon adoption by Council and approval by the Mayor.

Passed: 7-08, 2003

Jed Morris  
President of Council

Attest: [Signature]  
Clerk of Council

6-10-03 First reading  
6-24-03 Second reading  
7-08-03 Third Reading.  
Passed.

Approved: 7/8/03, 2003

[Signature]  
David H. Madison, Mayor

**AMENDED PETITION AND CONSENT  
FOR VACATION OF PUBLIC RIGHT OF WAY**

This Amended Petition and Consent for Vacation of the Public Right of Way (hereafter, "the Alley") 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, is an amendment of the Petition and/or Consent for Vacation of Public Right of Way ("Original Petition") attached hereto as EXHIBIT A.

The following are owners of properties abutting the Alley: Capital University, owner of all property south of the Alley; Stelios G. and Barbara T. Giannopoulos, owners of 2353-2359 East Main Street; Congregation Torat Emet, owner of 2375 east Main Street; Lowell C. Meckler, Jason M. Dolin, David A. Dachner, and Paul F. Hunt, owners of 2369 East Main Street.

Whereas, "The Alley" was vacated subject to certain conditions as shown on Exhibit A and in Ordinance 58-01, and  
Whereas, the conditions to Ordinance 58-01 were not satisfied and the parties desire to submit a revised Plan to secure the vacation of the alley and hereby submit a revised Plan for the alley and request adoption of an ordinance authorizing the vacation in accordance with the Plan (Exhibit B) attached hereto, which Plan is hereby specifically consented to by all owners, it is agreed that

- (1) a one lane ingress and egress drive will be constructed and maintained by Capital;
- (2) a retaining wall one (1) foot wide will be constructed and maintained by Capital;
- (3) a landscaping buffer four (4) feet wide will be created and maintained by Capital as mutually agreed by the parties to this Amended Petition, which agreement shall not be unreasonably withheld;
- (4) the southern five (5) feet of the Alley has been vacated to the ownership of Capital, and the northern ten (10) feet of the Alley has been vacated to the respective owners of the 2353-2359 East Main Street and 2369 East Main Street;
- (5) Capital grants the owners of 2353-2359 and 2375 East Main Street perpetual irrevocable easements for ingress and egress using that portion of the one lane drive located on Capital University property necessary to enter their property from the curb-cut on Pleasant Ridge Avenue. This easement is not personal but shall run with the land.

The undersigned petitioners for themselves and their respective heirs, devisees, personal representatives, successors and assigns, hereby agree that the conditions on which the alley has been vacated by the City of Bexley have been requested and approved by them, that by signing the Amended Petition requesting the vacation they have consented to all such conditions, and that they waive and release the City and Capital University from liability for any and all claims which any of them may have

against the City and Capital University resulting from or arising out of the vacation and the conditions thereto, including, without limitation, any claim that ingress and egress to and from their properties has or will be adversely affected by such vacation. The petitioners agree that the City shall incur no liability to any of them, or to persons asserting claims by or through them, in vacating the alley on the terms requested and approved by the petitioners. The forgoing waiver and release with respect to Capital University does not apply to use of the Alley by the parties hereto, or their employees, agents, representatives, contractors or invitees.

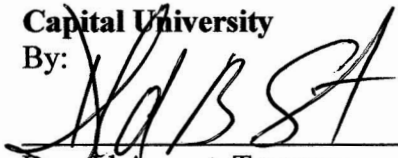
DBA 5/15/03

Further Congregation Torat Emet, the owner of 2375 East Main Street, does not assume any obligations of Bexley Excelsior, LLC under ordinance 58.001 for construction or maintenance of the Alley.

The following property owners join this Amended Petition:

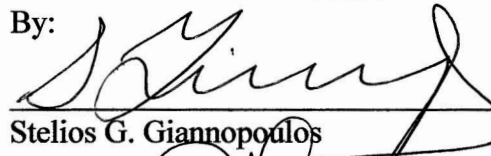
**Capital University**

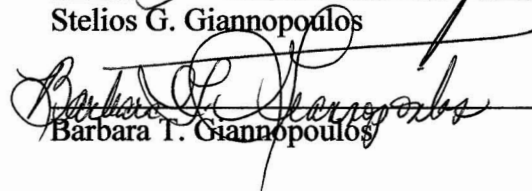
By:

  
Donald Aungst, Treasurer  
5/15/03  
Date

**2353-2359 East Main Street**

By:


  
Stelios G. Giannopoulos  
5-13-03  
Date

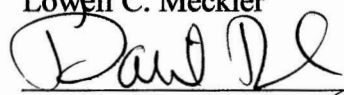
  
Barbara T. Giannopoulos  
5-13-03  
Date

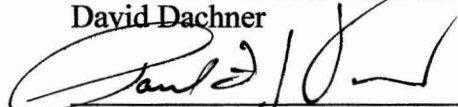
The following owners of 2369 East Main Street Join in this document only to certify their consent to the terms of this amendment.

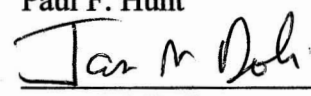
2369 East Main Street

By:

  
Lowell C. Meckler  
5/22/03  
Date


  
David Dachner  
5/21/03  
Date

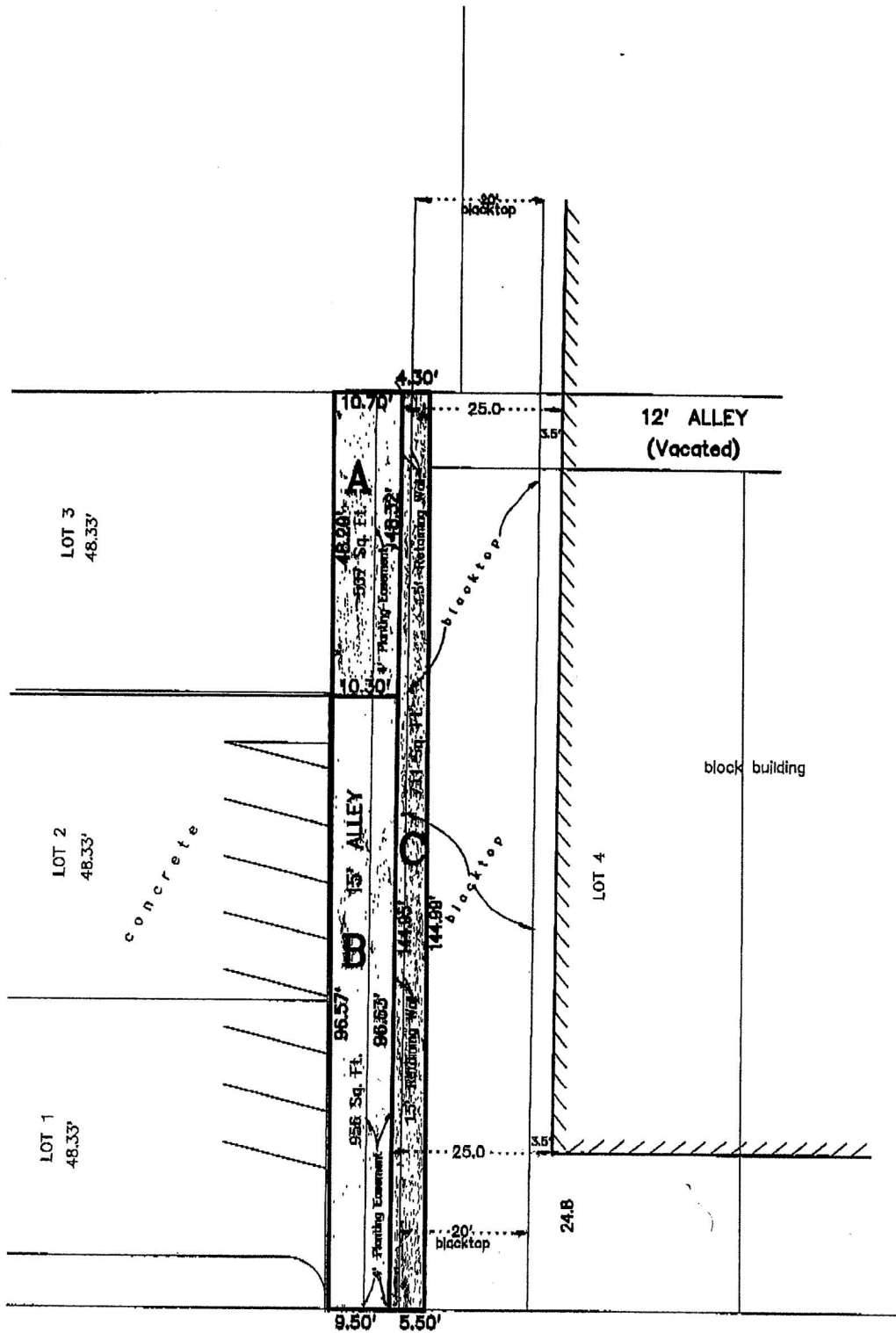
  
Paul F. Hunt  
5/21/2003  
Date

  
Jason M. Dolin  
5/22/03  
Date

**2375 East Main Street  
Congregation Torat Emet**

By:

  
Jon Diamond, President  
5/29/03  
Date



PLEASANT RIDGE AVENUE 60'

# S P E C I F I C A T I O N S /

## ASPHALTIC CONCRETE PAVING MATERIALS

Subgrade Fill: Clean natural inert subsoil material free of organic matter, rubbish, debris and rocks greater than 4" diameter.

Aggregate Base: 8" of 1"-2" diameter stone ODOT 304 - rolled in 2 equal layers.

Prime Coat: 0.15 to 0.20 gallons per square yard Prime Coat, ODOT Item 408

Asphalt Leveling Course: 2" ODOT 402

Asphalt Surface Course: 1 1/2" ODOT 404

## EQUIPMENT

1. Paving Equipment: Spreading, self-propelled asphalt paving machines capable of maintaining line, grade and thickness as required.

2. Compacting Equipment: Self-propelled rollers, minimum 10 ton weight.

3. Hand Tools: Rakes, shovels, tampers and all other miscellaneous equipment to complete the work.

## TOLERANCES:

In-Place Compacted Thickness:

Base Course: Maximum 1/2" plus, minus 0"

Surface Course: Maximum 1/2" in 10'-0", in any direction

## PROJECT CONDITIONS

Grade Control: Establish and maintain the required lines and grade elevations for each course, including crown, inverted crown and cross slopes as required.

## WEATHER LIMITATIONS:

Do not install base course over wet or frozen subgrade. Do not apply prime coat when temperature is 50°F. or below. Do not apply primecoat to wet base surfaces. Install asphalt surface materials only when base is dry and air temperature is 40°F. or above. Protect work from damage, soiling, and staining during paving operations.

Provide temporary barriers and warning lights as required for protection of project work and public safety.

## SEGMENTAL RETAINING WALL SYSTEM

### Description

Work includes furnishing and installing segmental retaining wall (SRW) units to the lines and grades designated on the project's final construction drawings or as directed by the Architect/Engineer. Also included is furnishing and installing appurtenant materials required for construction of the retaining wall as shown on the construction drawings.

### Reference Standards

#### A. Segmental Retaining Wall Units

1. ASTM C 1372 - Standard Specification for Segmental Retaining Wall Units

2. ASTM C 140 - Standard Test Methods of Sampling and Testing Concrete Masonry Units

### MATERIALS

Segmental Retaining Wall Units - SRW units shall be machine formed, Portland Cement concrete blocks specifically designed for retaining wall applications.

Segmental Retaining Wall Unit Connection Pins  
SRW units shall be interlocked with VERSA-Tuff connection pins. The pins shall consist of glass-reinforced nylon made for the expressed use with the SRW units supplied.

Leveling Pad - Material for leveling pad shall consist of compacted sand, gravel, or combination thereof (USCS soil types GP, GW, SP, & SW) and shall be a minimum of 6 inches in depth. Lean concrete with a strength of 200-300 psi and three inches thick maximum may also be used as a leveling pad material. The leveling pad should extend laterally at least a distance of 6 inches from the toe and heel of the lowermost SRW unit.

### CONSTRUCTION

Excavation - Contractor shall excavate to the lines and grades shown on the project grading plans. Contractor shall take precautions to minimize over-excavation. Over-excavation shall be filled with compacted infill material, or

as directed by the Engineer/Architect, at the Contractor's expense.

Contractor shall verify location of existing structures and utilities prior to excavation. Contractor shall ensure all surrounding structures are protected from the effects of wall excavation. Excavation support, if required, is the responsibility of the Contractor

Foundation Preparation - Following the excavation, the foundation soil shall be examined by the Owner's Engineer to assure actual foundation soil strength meets or exceeds the assumed design bearing strength. Soils not meeting the required strength shall be removed, and replaced with infill soils, as directed by the Owner's Engineer. Foundation soil shall be proofrolled and compacted to 95% standard Proctor density and inspected by the Owner's Engineer prior to placement of leveling pad materials.

Leveling Pad Construction - Leveling pad shall be placed as shown on the final, P.E. sealed retaining wall plans with a minimum thickness of 6 inches. The leveling pad should extend laterally at least a distance of 6 inches from the toe and heel of the lower most SRW unit. Granular leveling pad material shall be compacted to provide a firm, level bearing surface on which to place the first course of units. Well-graded sand can be used to smooth the top 1/4 to 1/2 inch of the leveling pad. Compaction will be with mechanical plate compactors to achieve 95% of maximum standard Proctor density (ASTM D 698).

SRW Unit Installation - All SRW units shall be installed at the proper elevation and orientation as shown on the final, P.E. sealed wall plans and details or as directed by the Wall Design Engineer. The SRW units shall be installed in general accordance with the manufacturer's recommendations. The specifications and drawings shall govern in any conflict between the two requirements. First course of SRW units

shall be placed on the leveling pad. The units shall be leveled side-to-side, front-to-rear and with adjacent units, and aligned to ensure intimate contact with the leveling pad. The first course is the most important to ensure accurate and acceptable results. No gaps shall be left between the front of adjacent units. Alignment may be done by means of a string line or offset from base line to the back of the units. All excess debris shall be cleaned from top of units and the next course of units installed on top of the units below. Two VERSA-Tuff connection pins shall be inserted through the pin holes of each upper course unit into receiving slots in lower course units. Pins shall be fully seated in the pin slot below. Units shall be pushed forward to remove any looseness in the unit-to-unit connection. Prior to placement of next course, the level and alignment of the units shall be checked and corrected, where needed. Layout of curves and corners shall be installed in accordance with the wall plan details or in general accordance with SRW manufacturer's installation guidelines. Walls meeting at corners shall be interlocked by overlapping successive courses. Procedures C. through F. shall be repeated until reaching top of wall units, just below the height of the cap units. Geosynthetic reinforcement, drainage materials, and reinforced backfill shall be placed in sequence with unit installation as described in manufacturers published information.

SRW Caps - SRW caps shall be properly aligned and glued to underlying units with VERSA-LOK adhesive, a flexible, high-strength concrete adhesive. Rigid adhesive or mortar are not acceptable. Caps shall overhang the top course of units by 3/4 to 1 inch. Slight variation in overhang is allowed to correct alignment at the top of the wall.

**END OF SECTION**

Exhibit B

EAST MAIN STREET

CAPITAL UNIVERSITY  
CAPITAL CENTER DRIVEWAY  
COLUMBUS, OHIO

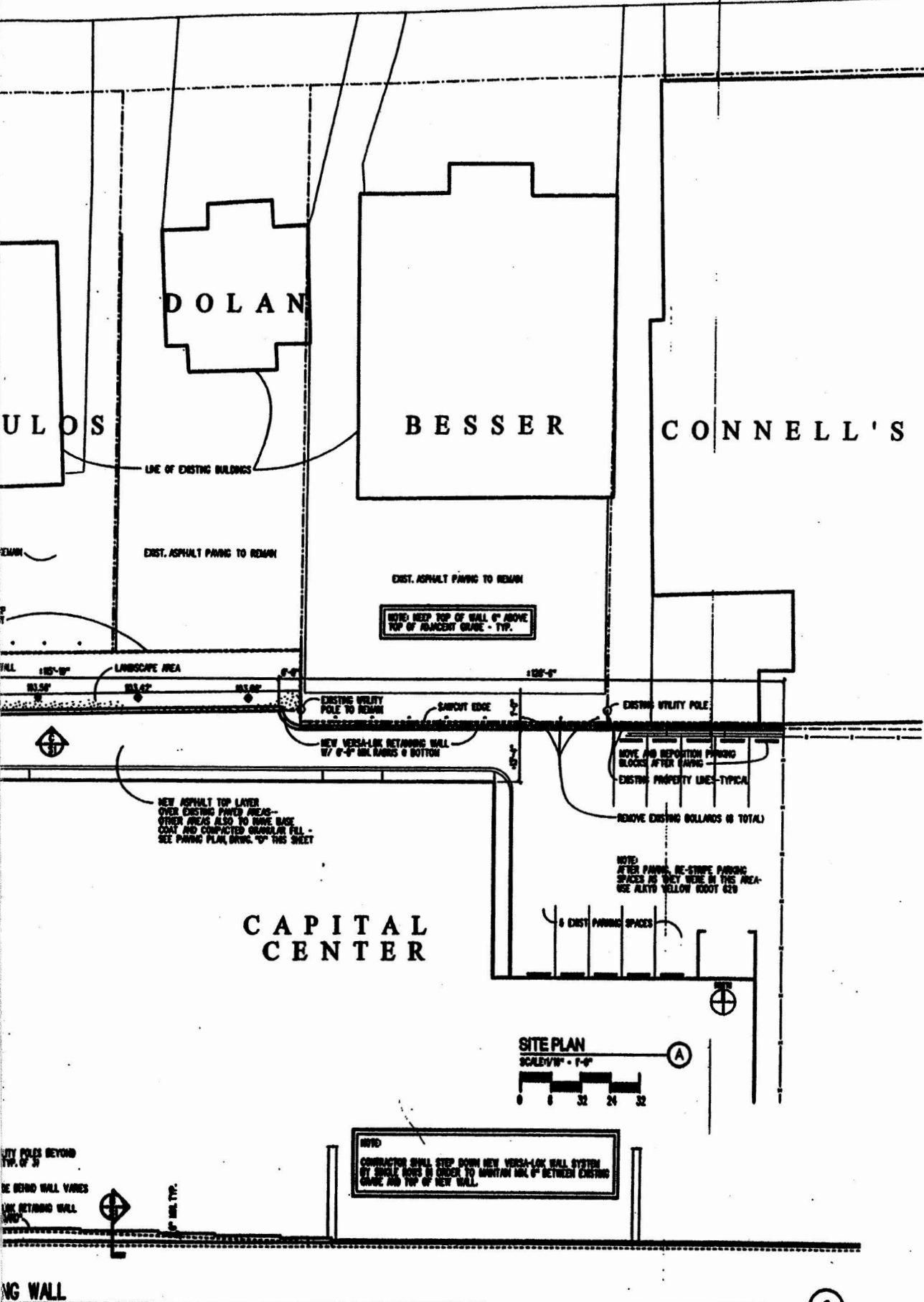
PROJECT NUMBER: CAP 20AA

ACOCK  
ASSOCIATES  
ARCHITECTS

343 NORTH FRONT STREET  
COLUMBUS, OHIO 13215  
(614) 228-1546

FOR COORDINATION  
JULY 30, 2002

FOR PRICING  
OCTOBER 3, 2002



SITE PLAN,  
WALL SECTION  
PAVING PLAN  
WALL ELEVATION  
SPECIFICATIONS

SCALE:

ISSUE DATE: SEE ABOVE

REVISIONS

NUMBER	DATE	NUMBER	DATE

S1

C