

AMENDED ORDINANCE NO. 32 - 04

By: Richard F. Weber

An Ordinance to vacate Mound Street between Pleasant Ridge Avenue and College Avenue, reserving to the City a permanent easement in such vacated portion of the street for the purpose of maintaining, operating, renewing, reconstructing and removing City-owned utility facilities located under the street and for purposes of access to said facilities.

WHEREAS, pursuant to Ohio Revised Code Section 723.04 Capital University, a property owner in the City, has filed with this Council a petition praying that Mound Street between Pleasant Ridge Avenue and College Avenue be vacated, and a copy of said petition is attached to, and incorporated by reference in, this Ordinance as Exhibit 1;

WHEREAS, the portion of Mound Street proposed to be vacated is shown in the vacation plat attached to, and incorporated by reference in, this Ordinance as Exhibit 2;

WHEREAS, Capital University is only owner of property abutting the part of Mound Street proposed to be vacated and by the filing of its petition has given written consent to the proposed vacation;

WHEREAS, this Council has adopted the Southwest Bexley Master Plan for the purposes of encouraging and regulating redevelopment in the southwest section of the City;

WHEREAS, this Council authorized and approved, and the City has entered into, a Memorandum of Understanding with Capital University and Trinity Lutheran Seminary to promote implementation of the Southwest Bexley Master Plan;

WHEREAS, the Main Street Redevelopment Commission has approved in concept the Capital University Campus Master Plan which contemplates the vacation of Mound Street as proposed;

WHEREAS, the proposed vacation of a portion of Mound Street is consistent with the goals of the Southwest Bexley Master Plan, the Memorandum of Understanding with Capital University and Trinity Lutheran Seminary and the Capital University Campus Master Plan;

WHEREAS, a Mound Street Closure Traffic Analysis commissioned by Capital University and a report of the City's traffic consultant concluded that the proposed vacation of Mound Street would not have a material negative impact on adjacent residential streets;

WHEREAS, the proposed vacation, together with other improvements to be made by Capital University, including an additional northbound turn lane for College Avenue at Main Street, will enhance the campus of Capital University, improve pedestrian safety and promote redevelopment in the southwest part of the City;

WHEREAS, Capital University has provided to the City its binding and enforceable agreement with respect to (i) the construction of a right turn lane from College Avenue to East Main Street, (ii) the timing of the closure of Mound Street following its vacation (iii) the continued payment of real property taxes on certain properties owned by Capital University and (iv) continued cooperation to resolve any unforeseen parking and/or traffic issues resulting from the closure of Mound Street; and the agreement, a copy of which is attached to, and incorporated by reference in, this Ordinance as Exhibit 3, is acceptable to this Council; and

WHEREAS, there is good cause for the vacation, it will not be detrimental to the general interest and it should be made;

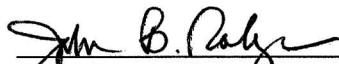
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That Mound Street between Pleasant Ridge Avenue and College Avenue, as shown on the plat attached as Exhibit 2, is hereby declared vacated, subject to the reservation, pursuant to Ohio Revised Code Section 723.041, by the City of a permanent easement in such vacated portion of the street, in a form acceptable to the City Attorney, for the purpose of maintaining, operating, renewing, reconstructing and removing City-owned utility facilities located under the street and for purposes of access to said facilities.

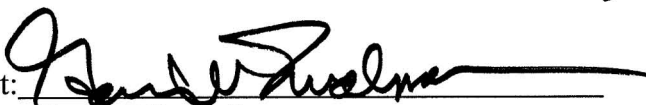
Section 2. That the Mayor is hereby authorized and directed to accept the agreement of Capital University attached hereto as Exhibit 3.

Section 3. That this Ordinance shall be in force and effect from and after the earliest period allowed by law.

Passed: 5/25, 2004

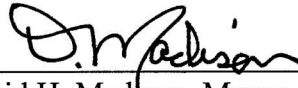


President of Council

Attest: 

Clerk of Council

Approved: 5/25/04, 2004



David H. Madison, Mayor

AGREEMENT OF CAPITAL UNIVERSITY

This Agreement is provided by Capital University in furtherance of its petition requesting the vacation of Mound Street between Pleasant Ridge Avenue and College Avenue pursuant to Amended Ordinance No. 32-04. In the event that Bexley City Council vacates the street as provided in such Ordinance, Capital University hereby affirms its agreement, which is intended to be legally enforceable against it, as follows:

1. Capital University will assume responsibility for the engineering, design and construction of all improvements necessary to provide for a right turn lane in the northbound lane of College Avenue at Main Street, all in accordance with and subject to City of Bexley approval. Upon completion, the improvements will be dedicated by Capital University to the City. To enable the improvements, Capital will transfer ownership of land, presently owned by Capital, to the City of Bexley to accommodate the construction and dedication of the right turn lane. Capital also agrees to pay for 100% of all expenses and fees associated with the engineering, design, construction (including, without limitation, the costs of moving utilities, if required, and replacing sidewalks, trees and landscaping) and dedication of the right turn lane.

2. Capital University agrees that the vacated portion of Mound Street, which shall be the property and sole responsibility of Capital University, will continue to be open to public vehicular traffic until the right turn lane at College and Main is completed and open for use, at which time such public traffic on Mound Street will cease. While the design and construction of the right turn lane is in process, Capital will proceed with the burial of utilities on Mound Street and other improvements, which may necessitate temporary lane closures on that street. Capital will make every reasonable effort to keep such lane closures to a minimum.

3. Capital University agrees to continue payment of property taxes on properties it currently owns but demolishes or intends to demolish, as well as properties it may purchase and demolish in the future, for educational use exempt from real property taxes under Ohio law in connection with the implementation of its master plan, until the Main Street Redevelopment Commission has approved, and the University is ready to commence, a specific project, but in no case earlier than such time as the University sells its properties on Main Street between Sheridan Avenue and Alum Creek for private development. Nothing in this agreement shall relieve the University of its obligation to pay taxes on properties now or hereafter owned by it which are used for non-exempt purposes.

4. After the closure of Mound street to public traffic, Capital University will use its best efforts to assist the City of Bexley in resolving any unforeseen parking and/or traffic issues which arise from such closure.

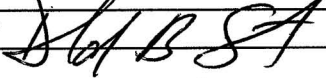
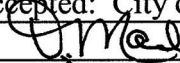
Capital University 	Accepted: City of Bexley, Ohio 
Name: <u>Donald B. Aungst</u> Date: <u>5/25/04</u>	Name: <u>DAVID MADISON</u> Date: <u>6/1/05</u>
Vice President of Resource Management and Treasurer	Mayor

Exhibit A

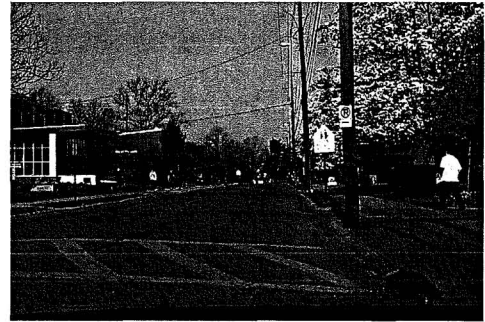
Mound Street Closure Traffic Analysis

Executive Summary

Capital University located in the City of Bexley, east of Columbus in central Ohio is exploring the possibility of closing Mound Street between Sheridan Avenue and Pleasant Ridge Avenue as part of their vision of a unified core campus. Mound Street presently bisects the campus between Main Street and Astor Avenue and provides access to parking lots, service drives and drop off areas to University buildings. The proposed Capital University Master Plan shows Mound Street closed between Sheridan Avenue and Pleasant Ridge Avenue to all vehicular traffic. The street would become a facility for pedestrian traffic only. The closure of this section of Mound Street is also included in the Southwest Bexley Master Plan.

The boundaries of the study area are Sheridan Avenue to the west, Euclaire Avenue to the east, E. Livingston Avenue to the south and E. Main Street to the north. A thorough reconnaissance was made of the streets identified in the study area around the Capital University campus to assess the impact to the transportation system which would occur due to the potential closure of Mound Street between College Avenue and Pleasant Ridge Avenue. Information on traffic volumes, crosswalks, traffic control, and a general location of buildings, parking areas and land use was collected.

Utilizing peak hour turning movement traffic counts and origin/destination data obtained from a trace count conducted on Mound Street between College Avenue and Pleasant Ridge Avenue, the amount of trips diverted to study area roadways was determined. Nine study area intersections were analyzed using Highway Capacity Software (HCS), version 4.1c to determine if closing Mound Street would adversely affect their operation. HCS measures the quantitative effect of factors such as volume of traffic, geometric features and delays. HCS provides level of service (LOS) as the measure of effectiveness for operation. LOS categories have been established based on relative levels of driver acceptability of delay. These LOS categories range from LOS A to LOS F, where A is the best and F represents failing.



The trace count results indicated that 38 percent of all traffic on Mound Street between College Avenue and Pleasant Ridge originates from, or is destined to, one of the driveways or parking areas along Mound Street. According to the results of the HCS analyses, the study area intersections experience no change in their level-of-service due to the closure of Mound Street with the exception of Main Street & College Avenue. This is because the volumes diverted due to the proposed closure are dispersed among the study area roadways such that the impact to any one intersection is small. However, the Main Street & College Avenue intersection falls from LOS C to and LOS D during the PM peak hour only. This is primarily due to the northbound approach which is accommodated by only one travel lane on College Avenue at the signalized intersection of Main Street. Although the overall intersection operation is LOS C for the existing and LOS D for the proposed road closure PM peak hour condition, the northbound movement at this intersection operates at LOS F in



Mound Street Closure Traffic Analysis

both the existing and proposed conditions. Adding a northbound right turn lane to College Avenue at Main Street allows the overall intersection operation to improve to LOS B for both the AM and PM peak hours under both existing conditions and the proposed closure of Mound Street.

A review was made of the amount of traffic which would divert to the study area roadways. It was determined that as the volumes dispersed among a number of the study area streets, the impact to any one intersection is relatively small. Trips are primarily diverted to Main Street, Pleasant Ridge Avenue between Mound Street and Astor Avenue or on Astor Avenue between College Avenue and Pleasant Ridge Avenue. Pleasant Ridge Avenue between Mound Street and Astor Avenue would experience the most diverted trips with the proposed closure of Mound Street. However, the additional traffic volumes are a relatively small amount with 25 vehicles per hour (vph) and 54 vph diverting to Pleasant Ridge Avenue north of Astor Avenue in the AM and PM peak hour, respectively, or less than 1 vehicle per minute.

In summary, the closure of Mound Street between College Avenue and Pleasant Ridge Avenue will not adversely affect the intersection operation or traffic circulation in the study area. No constraints were identified as associated with the proposed road closure although adding a northbound right turn lane at the intersection of Main Street & College Avenue would improve the overall operation of this intersection to LOS B for both the existing and proposed road closure conditions. It is also recommended, given general area growth and a change in traffic patterns which would occur due to the street closure, that further studies be conducted of all the currently coordinated signal controlled intersections along Main Street to insure efficient flow of traffic in the future.

The possible extension of Astor Avenue from College Avenue to Sheridan Avenue as proposed in the Capital University Campus Master Plan was qualitatively assessed to determine its merit. The proposed connector is anticipated to improve traffic circulation such that Charles Street and the west campus parking areas would be minimally used as alternate east-west links to access the proposed campus parking west of College Avenue.

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Exhibit B

Post-it® Fax No.	7671	Date	9/12	# of pages	2
To	SHEA MCGREW		From	D. LOREK	
Co/Dept			Co.	BEXLEY	
Phone #			Phone #	235-8694	
Fax #	236-6147		Fax #		

E. P. FERRIS
AND
ASSOCIATES
INC

CONSULTING CIVIL ENGINEERS AND SURVEYORS

COLUMBUS, OHIO 43214
614-299-2889
614-299-2992 FAX

20126
August 28, 2003

Mr. Dan Lorek
Development Director
City of Bexley
2242 E. Main Street
Bexley, Ohio 43209

RE: Capital University
Mound Street Vacation

Dear Mr. Lorek:

I have reviewed the Mound Street Closure Traffic Analysis prepared for Capital University by MS Consultants, Inc. The report follows the methodology expected in the industry for such traffic studies.

I agree with their conclusion and recommendation and would like to comment as follows:

1) Mound Street Closure, College to Pleasant Ridge.

The closure of Mound Street between College Avenue and Pleasant Ridge will not have a significant impact on the adjacent residential streets. However, it will add traffic to the intersection of Main Street and College Avenue.

2) Additional northbound lane for College Avenue at Main Street

MS has recommended that an additional lane be constructed for northbound College Avenue at its intersection with Main Street. We concur with this recommendation. The added traffic caused by the Mound Street closure would increase the need for this lane. It is common practice for a city to obtain some type of mitigation when a street or right of way is vacated. The University could mitigate the Mound Street vacation by constructing this lane.

3) Mound Street Closure, Sheridan to Pleasant Ridge

The closure of Mound Street between Sheridan and College Avenues will not have a significant impact on the traffic volume on the adjacent residential streets. However, this closure would create a circulation problem since the next east west street is Charles Street, more than a quarter of a mile to the south. The resulting College Avenue and Sheridan Avenue block face between Main Street and Charles Street would be 2,000 feet without the Astor Avenue extension. This closure should be mitigated by the extension of Astor Avenue between Sheridan and College, which the MS report mentions. To assure adequate traffic circulation this section of Mound Street should not be closed unless Astor Avenue is extended to Sheridan.

4) Astor Avenue between Mound Street and Pleasant Ridge

The study indicates that the traffic on Astor will increase. This increase is not significant and the resulting traffic volumes will not create a traffic problem. However, the area residents may perceive this differently. The City and University should be prepared to discuss this.

5) Future Traffic

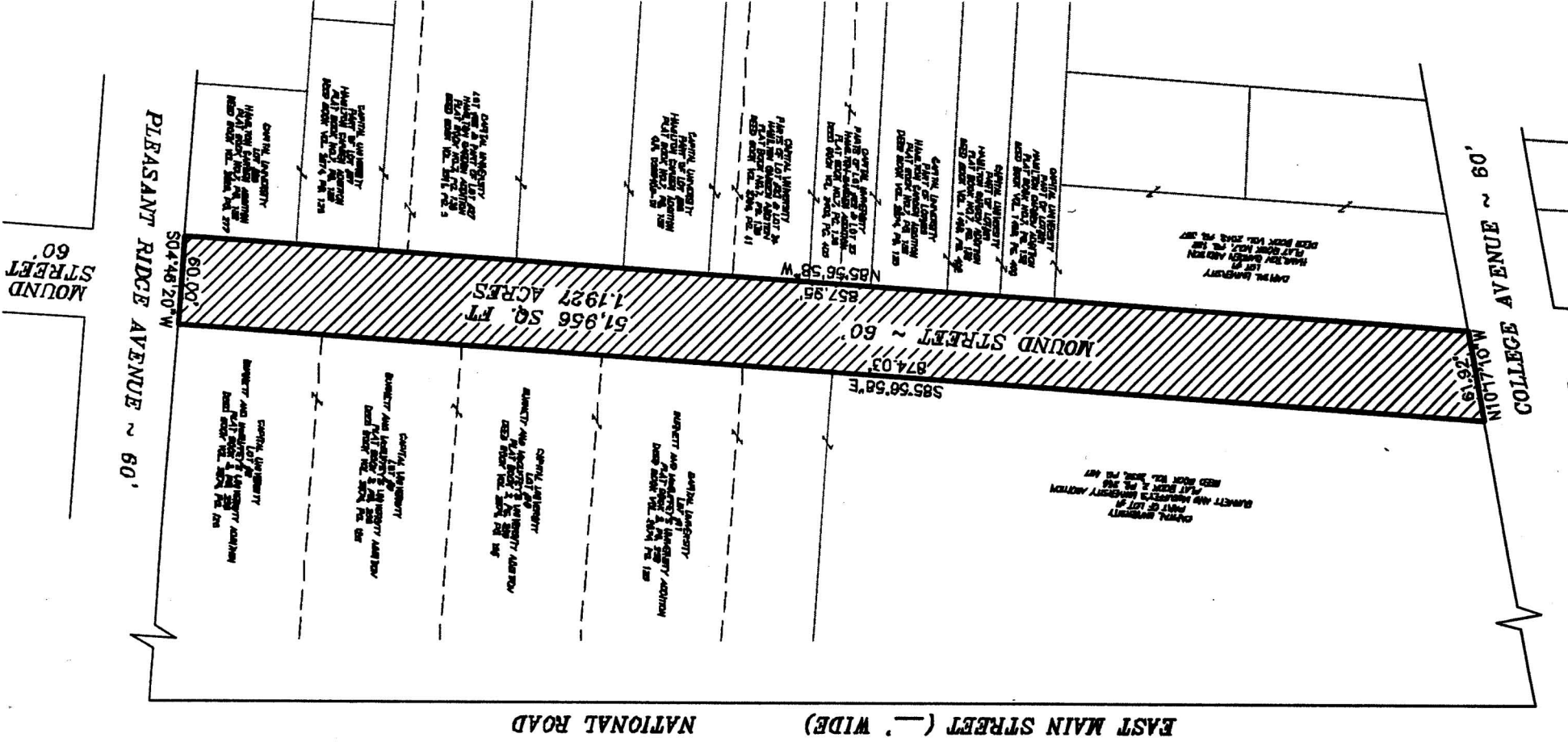
The study does not address future traffic conditions. Does Capital's plan include any growth in enrollment or any expansion that would generate additional traffic? If so, this would increase the need for the additional northbound lane on College at Main Street.

Very truly yours,

E.P. FERRIS & ASSOCIATES



Joseph A. Ridgeway Jr., P.E.
Vice President



STATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF BEXLEY, HALF SECTION 20, SECTION 13, TOWNSHIP 5, RANGE 22, REFERENCE LANDS, BEING A PART OF EAST MOUND STREET, 60 FEET WIDE, AS DESIGNATED ON THE RECORD PLAT 'BAUMETT & MACDUFFEY'S UNIVERSITY ADDITION' OF RECORD IN PLAT BOOK 2, PAGE 226, ON FILE IN THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

1ST, TREASURER, HAS HERETO SET HIS HAND THIS _____ DAY OF _____ 1904.

PITAL UNIVERSITY, STATE OF OHIO, COUNTY OF FRANKLIN, 52

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED DONALD B. AUNST, TREASURER, OF CAPITAL UNIVERSITY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED IN THE FOREGOING INSTRUMENT, WHO ACKNOWLEDGED BEFORE ME THAT THE EXECUTION THEREOF TO BE HIS FREE AND VOLUNTARY ACT AND DEED AND THE FREE AND VOLUNTARY ACT AND DEED OF CAPITAL UNIVERSITY, FOR THE USES AND PURPOSES THEREON EXPRESSED.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS DAY OF _____ 1904.

WALD B. AUNST, TREASURER

AUNST, TREASURER, HAS HERETO SET HIS HAND THIS _____

WALD B. AUNST, TREASURER