

RESOLUTION NO. 24-14

By: Steve Keyes

A Resolution declaring the City's necessity and intent to appropriate fee simple interest in land and any lesser interests required for the purpose of making and repairing roads and alleys that are open to the public without charge on certain real property in the City of Bexley.

WHEREAS, Council has determined that it is in the interest of health, safety and welfare and in the public interest to provide public access through and among properties adjacent to and north of Main Street east of S. Drexel Avenue including public vehicular access through public easements, alleys and streets to traffic signals at the intersections of S. Drexel Avenue and Main Streets and N. College Avenue and Main Street and to Bexley City Hall; and

WHEREAS, public vehicular access through public easements, alleys and streets is necessary for the City's improvement project for the relocation of city hall and for traffic management and control along the Main Street corridor; and

WHEREAS, it is in the best interest of the public and the City to declare the City's necessity and intent to appropriate fee simple title and lesser property interests for the City for the construction, improvement and repair of roads including alleys that are open to the public without charge; and

WHEREAS, this Resolution is adopted pursuant to the Charter and ordinances of the city of Bexley, the constitution and laws of the state of Ohio, including Ohio Revised Code, Chapter 719.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bexley, County of Franklin, State of Ohio:

Section 1. That Council hereby declares the necessity and intent of the City of Bexley to appropriate fee simple interest and any lesser real property interests required in and to the 0.097 acres of real property described in Exhibit A and shown on Exhibit B attached to this resolution, subject to the existing 0.45 foot encroachment of the building described in Exhibit C and rights of access to abutting properties.

Section 2. That the purpose of the appropriation is for making and repairing a road or alley, which shall be open to the public without charge.

Section 3. The mayor is directed to cause written notice of this resolution's adoption to be served in the manner provided by law upon the owners of real property, persons in possession of real property, or person having an interest of record in real the property described herein that is sought to be appropriated, or to the authorized agent of the owner or other such person, or if such owner, person, or agent cannot be found, to provide notice by publication as required by law.

Section 4. This Resolution shall be in full force and effect from and after the earliest period allowed by law.

Passed _____, 2014

Richard Sharp, President of Council

Attest: _____, 2014
Bill Harvey, Clerk of Council

Approved: _____, 2014

Ben Kessler, Mayor

First Reading: 9-9-14

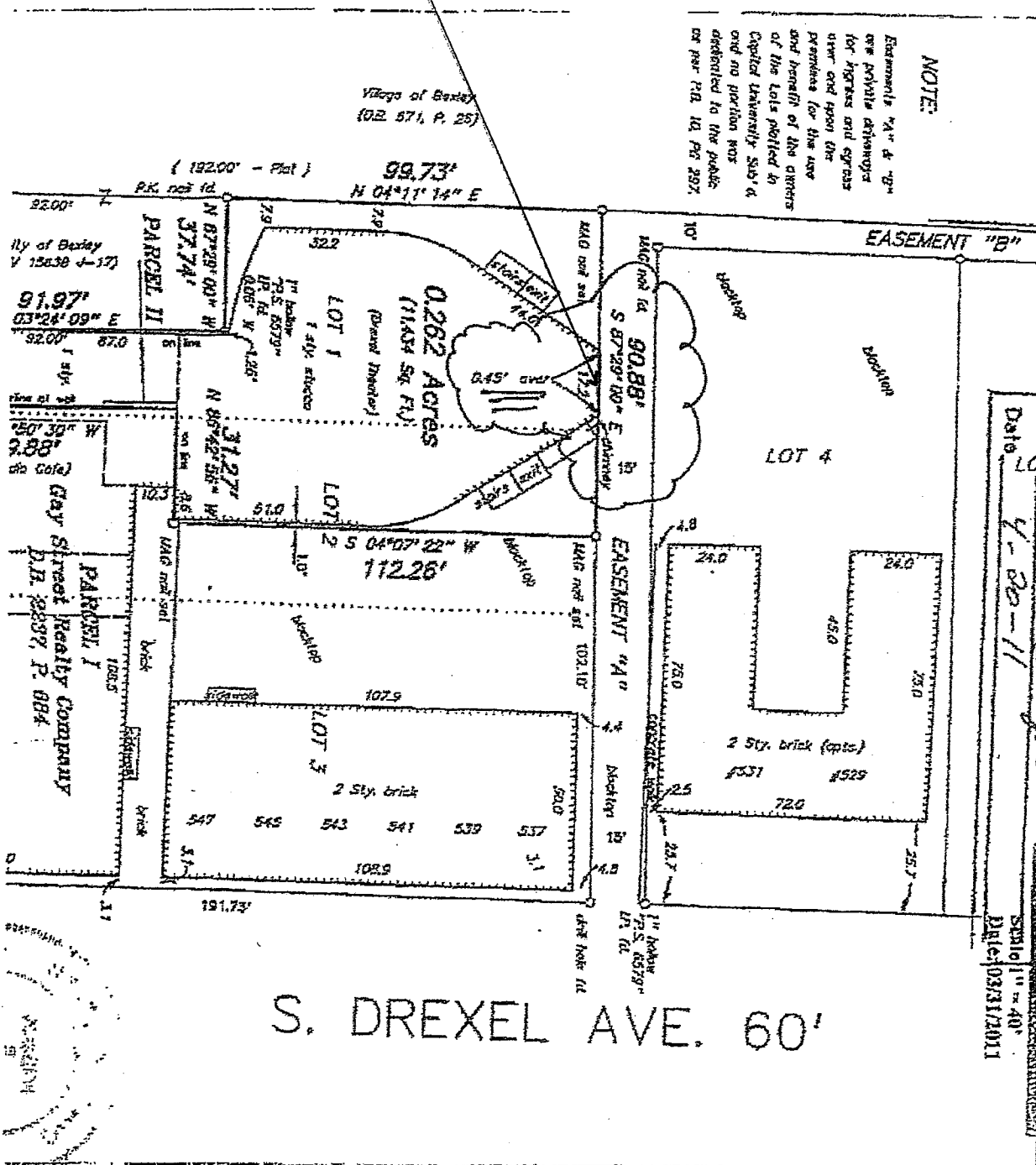
Second Reading: 9-23-14

Third Reading: 10-14-14

17.2 Feet x 0.45 Feet into the Easement Area

NOTE:

Enclosures "A" & "B" were privately distributed for highways and express street and upon the premises for the use and benefit of the directors of the Lots plotted in Capital University Sub'd and no portion was deposited to the public use per F.R. 10, Pg 297.





2740 East Main Street
Bexley, Ohio 43209-2577
(614) 235-8877
Telefax (614) 235-4559
Email: info@myerssurveying.com

February 7, 2014

0.097 ACRES

Situated in the State of Ohio, County of Franklin, City of Bexley, being the remaining part of Lots 15 and 16 of The Wells Heirs Subdivision, "Plat of East Columbus" as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 260, Recorder's Office, Franklin County, Ohio, (all references being to said office unless otherwise noted), as conveyed to the Trustees of Capital University in Deed Book 114, Page 126, Walter W. Morrison in Deed Book 884, Page 567, Daniel O. Clevenger in Deed Book 518, Page 243 and Capital University in Deed Book 671, Page 75 and being all of Easement "A" and Easement "B" on the Plat of Capital University Subdivision, (P.B. 10, Page 297), and being more particularly described as follows:

Beginning at a drill hole found at the northeast corner of Lot 3 of said Capital University Subdivision, being the intersection of the west right-of-way line of South Drexel Avenue (60 feet wide) with the south line of said Easement "A", and the northeast corner of Parcel 1 as conveyed to The Gay Street Realty Company (Deed Book 2237, page 684), and the southeast corner of the remaining land conveyed to said Trustees of Capital University, said drill hole bearing North 04° 09' 00" East, 191.73 feet from a MAG nail found at the intersection of said west line of Drexel Avenue with the north right-of-way line of East Main Street (80 feet wide), at the southeast corner of said Lot 3, formerly the southeast corner of Lot 16;

Thence, across said Lots 16 and 15, along a line parallel with the north line of E. Main Street, along said south line of Easement "A", along the south line of said remaining Trustee of Capital University tract, the remaining Walter W. Morrison tract, the remaining Daniel O. Clevenger tract, along part of the north line of said Parcel 1, and along the north line of the 0.262 acre tract conveyed to The Gay Street Realty Company as shown of record in Inst. No. 201112200165559, and leased to the Columbus Association for the Performing Arts & Friends of the Drexel via a 99 year lease as shown of record in Inst. No. 201112200165562, North 87° 29' 00" West, 192.97 feet to a MAG nail found at the northwest corner of said 0.262 acre tract, the northwest corner of Lot 1 of said Capital University Subdivision, the southwest corner of said remaining Daniel O. Clevenger tract, also being the southwest corner of said Easement "A", and being on the east line of the 1.745 acre tract conveyed to Bexley Community Improvement Corporation as shown of record in Inst. No. 201310110173792;

Thence, along the west line of said Easement "A" and Easement "B", along part of the west line of said Lot 15, along the west line of the remaining Daniel O. Clevenger tract and the remaining Capital University tract, along part of the east line of said 1.745 acre tract, and the same line extended, North 04° 11' 14" East, 147.73 feet to a point on a line as fixed by the Court in the decision in George R. Wannemacher vs. Lillian R. Cochran et. al., Franklin County Court of Common Pleas. Term June 6, 1912, Case No. 60113, Order Book 163, Page 239, passing a found 1" dia. iron pipe with an orange cap inscribed "PS 6579" at 142.73 feet, said point being within Lot 47 of Rownd & Knauss' Park View Sub.(P.B. 4, P. 47);

Thence, across part of said Lot 47, along the line as fixed by the Court, along a north line of the remaining Daniel O. Clevenger tract, South 86° 58' 00" East, 10.00 feet to a point;

Thence, along a line extended northerly from the west line of Lot 5 of said Capital University Sub, passing a 5/8" rebar found at the northwest corner of said Lot 5, at 1.70 feet, along the west line of said Lot 5 and Lot 4 of said Capital University Sub., along the east line of said Easement "B", along the west line of the remaining Daniel O. Clevenger tract and Capital University tract, South 04° 11' 14" West, 132.60 feet to a set iron pipe at the southwest corner of said Lot 4, the southeast corner of the remaining Capital University tract, the intersection of the east line of said Easement "B" with the north line of said Easement "A", and being on a north line of the remaining Daniel O. Clevenger tract;

Continued..

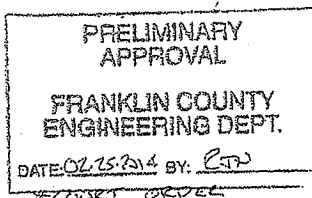
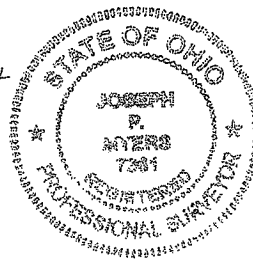
Thence, along the south line of said Lot 4, along a north line of the remaining Daniel O. Clevenger tract, along the north line of the remaining Trustees of Capital University tract, along the north line of said Easement "A", South $87^{\circ} 29' 00''$ East, 182.96 feet to a found 1" dia. iron pipe with an orange cap inscribed "PS 6579" at the southeast corner of said Lot 4, being on the west line of said South Drexel Ave., being the northeast corner of the remaining Trustees of Capital University tract, also being the northeast corner of said Easement "A";

Thence, along the west line of said South Drexel Avenue, along the east line of the remaining Trustees of Capital University tract, along the east line of said Easement "A", South $04^{\circ} 09' 00''$ West, 15.01 feet to the place of beginning CONTAINING 0.097 ACRES, subject, however to all legal highways, leases, easements, restriction of records and of records in the respective utility office. Iron pipes set are 30" x 1" O.D. with an orange plastic plug inscribed "P.S. 6579", unless otherwise noted. Bearings are based on the north right-of-way line of E. Main Street held as South $87^{\circ} 29' 00''$ East per P.B. 10, P. 297. The foregoing description was prepared from an actual boundary survey by Myers Surveying Company Inc. in November, 2013.

Myers Surveying Co., Inc.

Joseph P. Myers 2/7/2014

Joseph P. Myers, P.S. 7361
JPM/emf
(1907012013legal)



Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio

614-235-8677

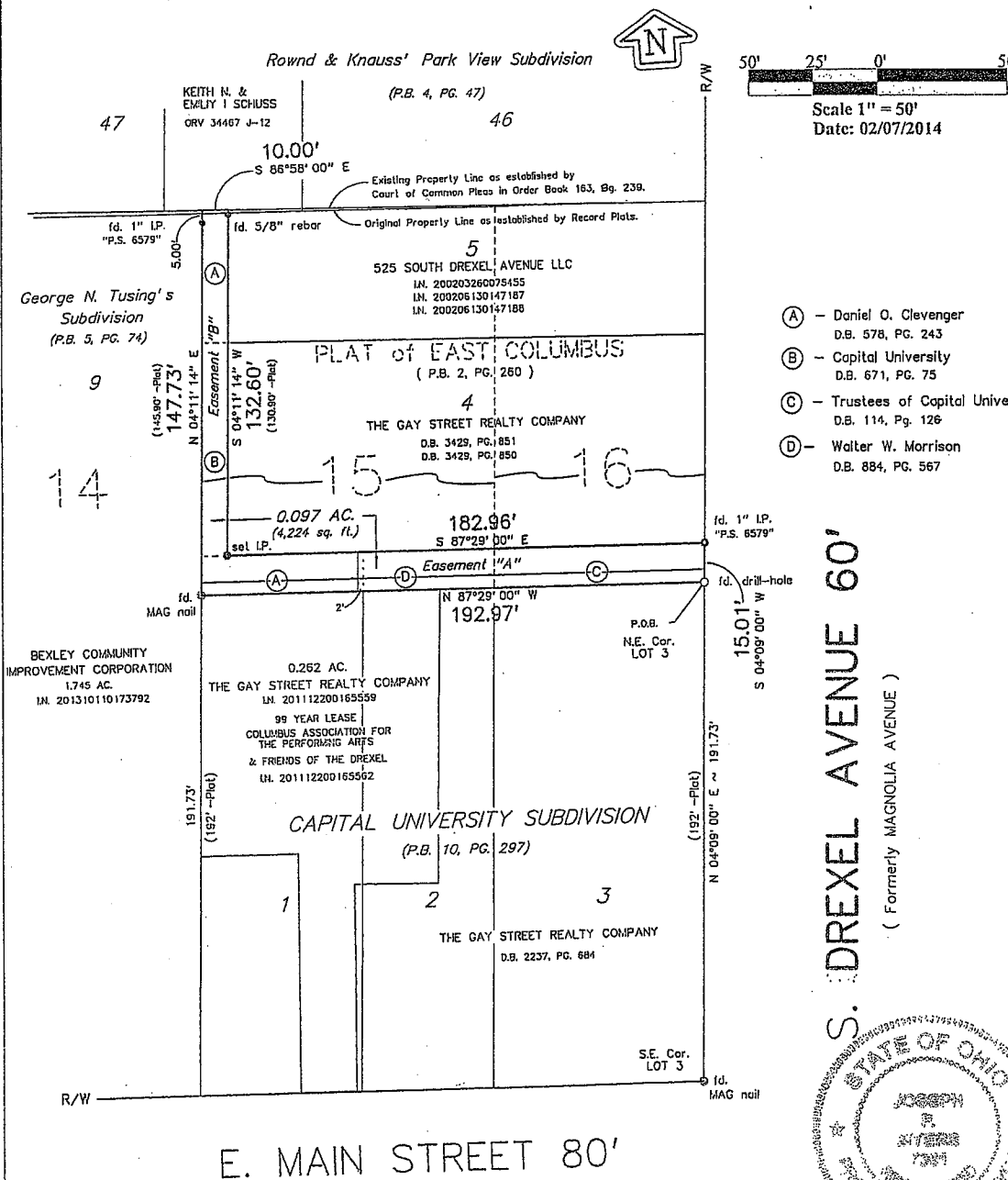
FAX:614-235-4559

City of Bexley

Legal Description: Situated in The State of Ohio, County of Franklin, City of Bexley Being 0.097 Acres, part of Lots 15 & 16 of The Well Heirs Subdivision, "Plat of East Columbus", (P.B. 2, P. 260) shown as Easement "A" & "B" of Capital University Subdivision (P.B. 10, PG. 297).

Applicant:

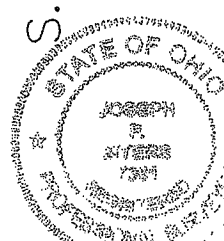
Posted Address: Alley North of Main Street, Bexley, Ohio



S. DREXEL AVENUE 60'

(Formerly MAGNOLIA AVENUE)

E. MAIN STREET 80'



Myers Surveying Co., Inc.

By *Joseph P. Myers*

2-7-2014

Professional Surveyor

Myers Order No. - 19-07/01/2013

2013070119

Rec.

Field

DWG

Ltr.

Ck.