

Sponsor: Vance

ORDINANCE NO. 2023-19

AN ORDINANCE PROVIDING FOR THE VACATION OF THE ROADWAY BEGINNING FROM S. OHIO AVE. AT E. 12th STREET TO ITS TERMINATION INTO THE LOT OWNED BY ARTHUR ALAN CORP., BEING DESCRIBED AS TAX PARCEL M240290012600 AND DECLARING AN EMERGENCY.

WHEREAS, Richard Way is the owner of Lot 124, tax parcel number M240290011500, of the Powell's Addition of the City of Wellston and Arthur Alan Corp. is the owner of the property described in Exhibit "A" attached hereto, that includes tax parcel numbers M240290012600, M240290011300 and M240290011400, and that Richard Way and the Arthur Alan Corp. are owners of all property abutting the proposed area to be vacated. Richard Way and the Arthur Alan Corp. have petitioned and the City has hereby consented, as owners, that the portion of S. Ohio Ave. at the intersection of E. 12th Street as it abuts Richard Way's lot 124 of Powell's Addition to the City and the property described in Exhibit "A" as owned by Arthur Alan Corp. be vacated as requested in the Petition to Vacate signed by all adjacent landowners attached as Exhibit "B" and as shown in the map as attached hereto as Exhibit "C"; and

WHEREAS, the above described roadway to be vacated has been surveyed and a copy of the survey is attached as Exhibit "D"; and

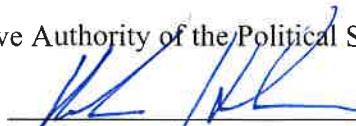
WHEREAS, all notice requirements have been satisfied by the filing of the Petition of all adjacent landowners, being Richard Way and the Arthur Alan Corp., and by the City of Wellston; and

WHEREAS, the legislative authority of the City of Wellston has determined that the area is not presently being used as a public roadway and vacating the portion of said roadway will not create a hardship to other in the area nor will it be detrimental to the general interest of the City or its residents; and

NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF WELLSTON, THAT THE PORTION OF THE ROADWAY OF S. OHIO AVE. AT THE INTERSECTION OF E. 12TH STREET AS DESCRIBED IN EXHIBIT "D" ATTACHED HERETO BE VACATED WITH OWNERSHIP OF SAID ROADWAY REVERTING TO THE ADJACENT LANDOWNERS, SO THAT EACH OWN THE HALF OF THE ROADWAY ADJACENT TO THEIR RESPECTIVE PROPERTY AND THAT THE CITY RESERVES A PERMANENT EASEMENT FOR ANY AND ALL UTILITIES NOW LOCATED THEREIN, AS PROVIDED FOR BY OHIO REVISED CODE SECTION 723.041.

It is hereby found and determined that all formal actions of this Council concerning and relating to adoption of this ordinance were adopted in an open meeting of this Council and the deliberations of this Council and any of its committees that resulted in such formal action were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 16th day of March, 2023.


President of Council



ATTEST:

M. B. Ensign
Clerk of the Legislative Authority

Approved this 16th day of March, 2023.

CJ

Mayor

EXHIBIT "A" (Arthur Alan Corp. property)

Situated in the City of Wellston, County of Jackson, State of Ohio, and being a part of Section 7, Township 9 North, Range 17 West, and being more precisely described as follows: Beginning at an iron pin (set) in the west right of way line of Pennsylvania Avenue, said iron pin bears S 05° 23' 37" W, 258.05 feet from the southwest corner of the intersection of Twelfth Street and Pennsylvania Avenue; Thence, N 84° 16' 31" W, 356.98 feet to an iron pin (set); Thence, S 63° 37' 35" W, 137.75 feet to an iron pin (set); Thence, along the north right of way line of Rosebud Lane N 84° 16' 31" W, 91.53 feet to an iron pin (set); Thence, N 01° 52' 49" E, 440.89 feet to a concrete monument (found); Thence, along the south line of Gem Beverages, Inc. (Volume 322, Page 594; 2nd Par.) with a curve to the left, the radius which is 741.78 feet, the long chord of which bears S 52° 37' 12" E, 698.73 feet, an arc distance of 727.54 feet to the place of beginning.

Containing 1.709 acres.

Bearings are based upon magnetic north.

All iron pins set are 5/8" diameter re-bar with I.D. cap stamped "PRITCHARD P.S. 6837".

The foregoing description was based upon a survey made July 10, 2000 by Ernest L. Pritchard, Ohio Registered Professional Surveyor #6837.

SAVE AND EXCEPT 0.126 acres, more or less, conveyed to the Marvin S. Payne Revocable Trust dated April 15, 2003, Marvin S. Payne, Trustee by deed dated September 13, 2003 as recorded September 15, 2003 in Official Record Book 13, Page 2364, Office of the Recorder, Jackson County, Ohio.

Parcel I.D. # M24-029-00-091-01, M24-029-00-113-00, M24-029-00-114-00, M24-029-00-126-01, and M24-029-00-126-00

**CITY OF WELLSTON
PLANNING AND ZONING COMMISSION APPLICATION**

PETITION TO VACATE ALLEY

To The Council

The undersigned, owners of lots in the City of Wellston abutting on a _____ foot
Public alley running in a North/South direction from South Civic Ave to
(East West North-South) (Street Name-Alley Description)
Corner of E. 12th Street between lot numbers M 240 x 100 1200, J 240 x 100 1130, J 240 x 100 11400
(Street Name: Alley Description) (Numbers of all lots abutting the alley to be vacated)

respectfully petition your honorable body that said alley be vacated between the points named for the reason that it no longer serves a public purpose, and its vacation will not be detrimental to the general interest. The undersigned do hereby consent to the vacation of said alley in accordance with this petition filed within said Council.

Owner's Signature(s)

Each owner must sign. If jointly owned, all parties must sign.

Parcel Number

M 2402900 12600
M 2402900 11300
M 2402900 11400
M 2402900 11500

ATTACH A TAX MAP SHOWING THE ALLEY AND ALL ABUTTING PROPERTIES. PLEASE READ THE INFORMATION ON PAGE 4.

EXHIBIT C

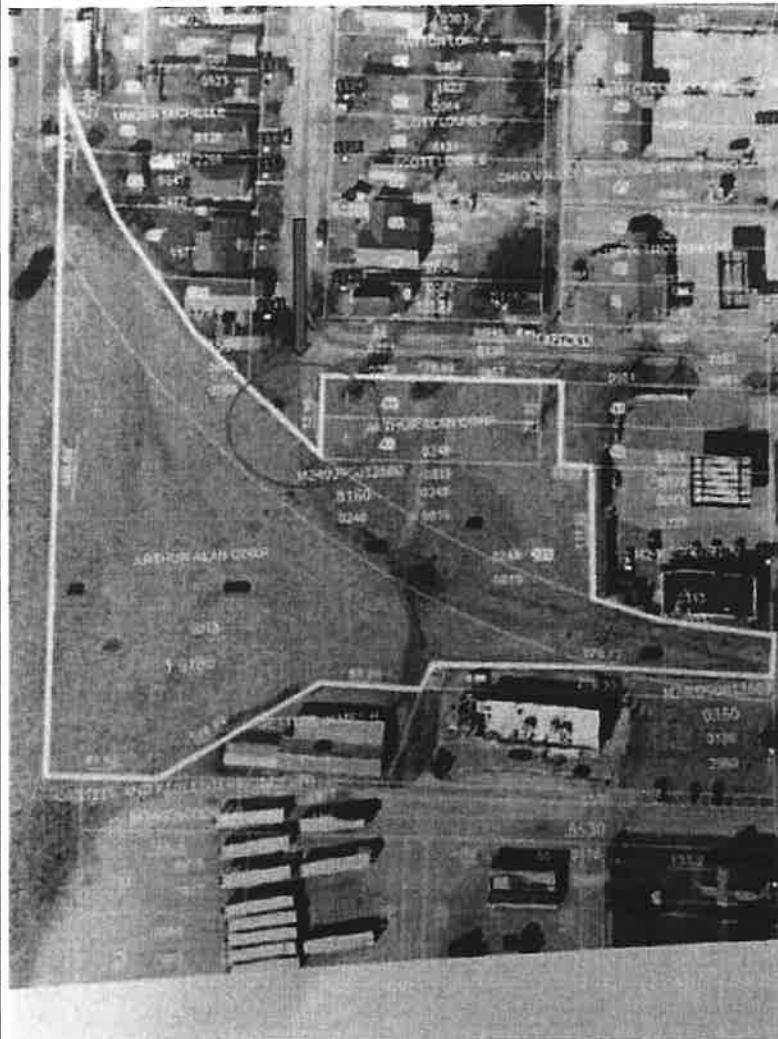
< 3 triangle ^ v

Date: February 27, 2023 at 4:43:20 PM EST

To: neahenry@gmail.com

Cc: Phil Fain <philfain@mgotrucking.com>, Brian Morrison <BMorrison@primeinc.com>

Subject: triangle



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EXHIBIT "D"

6801 State Route 56 Athens, Ohio 45701
Phone: 740-589-5001 Fax: 740-589-5004
www.buckley.group

DESCRIPTION OF A 0.066 ACRE PARCEL

Situated in City of Wellston, Jackson County, State of Ohio

Being a **0.066 acre** parcel of land located in part of Section 7, City of Wellston, Jackson County, Township 9 North, Range 17 West, Congress Lands East of Scioto, State of Ohio and being more fully described as follows:

Beginning at a iron pipe found, being the northeasterly corner of said 0.066 acre parcel, a point on the easterly right of way line of Ohio Avenue, a 60 foot width right of way, and a point on the southerly right of way line of Twelfth Street, a 60 foot width right of way, and being the northwest corner of Lot 44 of Powell's Addition;

Course No. 1: Thence, N 85° 13' 38" W, 60.00 feet to a point, being a point on the easterly line of a parcel as conveyed to Richard Way by a deed recorded in Book 125 at Page 2494 of said county deed records;

Course No. 2: Thence, S 4° 58' 44" W, with the easterly line of said Richard Way parcel, 21.82 feet to a point, being a point on the northerly line of a 1.481 acre parcel as conveyed to Arthur Alan Corp by a deed recorded in Book 331 at Page 190 of said county deed records;

Course No. 3: Thence, along a curve to the left, having a central angle of 6° 28' 50", a radius of 691.77 feet, a chord bearing and distance of S 45° 07' 43" E, 78.20 feet, and an arc length of 78.24 feet to a point;

Course No. 4: Thence, N 4° 58' 44" E, with the westerly line of said 0.066 acre parcel, 72.19 feet to the **Point of Beginning**, containing 0.066 acres, more or less, and being subject to all legal rights of way and easements of record.

Bearings, coordinates and distances are based on Ohio State Plane (South Zone) Grid, NAD83 (CORS 96) datum.

Plat of survey is attached hereto and made a part thereof.

All iron pins set being 3/4" x 30" rebar with plastic cap stamped "Buckley Group-04153".

This description was prepared under the direct supervision of Ryan D. Buckley, Registered Surveyor No. 8676 and is based on a field survey made by Buckley Group, LLC completed in February 2022.

March 7, 2023

Date

Ryan D. Buckley, Professional Surveyor No. 8676



JACKSON COUNTY
CITY OF WELLSTON
SECTION 7
TOWN 9N, RANGE 17W
STATE of OHIO

PERTINENT DOCUMENTS AND
SOURCES OF DATA USED:
DEED REFERENCES (AS NOTED)
SPECIFIED COUNTY ROADWAY MAP
SPECIFIED COUNTY TAX PARCEL MAP
PREVIOUS SURVEY PLATS

RICHARD WAY
BOOK 125 PAGE 2494

OHIO AVENUE
60 FOOT WIDTH RIGHT OF WAY

TWELFTH STREET
60 FOOT WIDTH RIGHT OF WAY

POINT of BEGINNING
NW CORNER LOT 44
POWELL'S ADDITION



ARTHUR ALAN CORP
BOOK 331 PAGE 190
1.481 ACRES



0 10 20
1 INCH = 20 FEET

NOTE: DRAWING SCALE MAY BE
ADJUSTED DUE TO REPRODUCTION

ATTENTION:
THIS PLAT OF SURVEY REPRESENTS
THE MINIMUM STANDARDS FOR BOUNDARY
SURVEYS IN THE STATE OF OHIO AS
ADOPTED 5-1-80 OF THE ADMINISTRATIVE
CODE CHAPTER 4733-37. LOCAL
GOVERNING REQUIREMENTS IF MORE
STRINGENT, SHALL BE ADHERED TO.

BASIS OF BEARINGS:
STATE PLANE COORDINATE SYSTEM
OHIO SOUTH ZONE, NAD 83

DATE 3/7/23
DRAWN: JDC CHECK: RDB
JOB NO: 237171

PLAT OF SURVEY

SURVEYED FOR:
STOCKMEISTER

6801 STATE ROUTE 56,
ATHENS, OH 45701
PH: (740)589-5001
WEB: buckleygroup

Ryan D. Buckley
PROFESSIONAL SURVEYOR No. 8676
STATE OF OHIO
DATE: 3/7/23



buckleygroup
engineering + surveying

