



# LEGISLATIVE COVER MEMO

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**Introduction:** March 18, 2024

**Public Hearing:** April 1, 2024

**Effective Date:** May 1, 2024

**Agenda Item:** **Ordinance 2024-04**

AN ORDINANCE TO VACATE TWO HUNDRED AND FIFTY FEET OF A FIFTEEN (15) FOOT ALLEY PURSUANT TO OHIO REVISED CODE (ORC), SECTION 723.05

**Submitted by:** Barry Conway, City Engineer

**Scope/Description:** Franklin City Schools has requested the vacation of a fifteen (15) foot alley located between Pine Street and 250 feet west. The School District owns the property that abuts both sides of the involved alley. The City has no objection to vacating the alley and transferring the right-of-way to the School District.

**Vote Required for Passage:** Per Section 4.03 of the City Charter, following Council's hearing on the Ordinance, a majority vote of all Council members present shall be required for passage of the Ordinance.

**Exhibits:** Exhibit A – Legal description and survey of right-of-way proposed for vacation.

**Recommendation:** Approval

CITY OF FRANKLIN, OHIO  
ORDINANCE 2024-04  
**AN ORDINANCE TO VACATE TWO HUNDRED AND FIFTY FEET OF A FIFTEEN (15) FOOT ALLEY  
PURSUANT TO OHIO REVISED CODE (ORC), SECTION 723.05**

WHEREAS, the Board of Education of the Franklin City School District (the "School District") asked the City of Franklin, Ohio to vacate a portion of a certain alley located between Pine Street and 250 feet west, as more particularly described in the legal description and survey of said right-of-way attached as Exhibit A to this Ordinance (the "Alley"); and

WHEREAS, the School District is the fee simple owner of the real property abutting both sides of the Alley (more particularly described in Exhibit A); and

WHEREAS, the School District requests that the Alley be transferred to the School District upon its vacation; and

WHEREAS, Ohio Revised Code, Section 723.05 empowers the City Council of the City of Franklin, Ohio to pass this Ordinance vacating the Alley if Council is satisfied that good cause exists for such vacation, and the vacation will not be detrimental to the general interest; and

WHEREAS, the City of Franklin has no objection to vacating the Alley and transferring the right-of-way to the School District in accordance with their request.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that:

Section 1. City Council hereby finds and determines that good cause exists to vacate the Alley, as requested by the School District, and that said vacation will not be detrimental to the general interest.

Section 2. The Alley is hereby vacated and transferred to the Board of Education of City of Franklin School District (aka the Franklin City Board of Education, Franklin, Ohio; the Board of Education, Franklin, Ohio; the Board of Education of Franklin School District; the Board of Education Franklin School District, Warren County, Ohio).

Section 3. It is hereby found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 4. Pursuant to Section 4.04 of the City of Franklin Charter, this Ordinance shall be effective on May 1, 2024.

INTRODUCED: March 18, 2024

ADOPTED: April 1, 2024

ATTEST: \_\_\_\_\_  
Khristi Dunn, Clerk of Council

APPROVED: \_\_\_\_\_  
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of an Ordinance passed by that body on April 1, 2024.

\_\_\_\_\_  
Khristi Dunn, Clerk of Council



CINCINNATI  
COLUMBUS  
DAYTON  
LOUISVILLE

6219 Centre Park Drive  
West Chester, OH 45069  
phone ▶ 513.779.7851  
fax ▶ 513.779.7852  
[www.kleingers.com](http://www.kleingers.com)

### Legal Description

0.086 Acres  
15' Alley Vacation

Situated in Section 4, Town 1 North, Range 5 East, BTM, Franklin Township, City of Franklin, Warren County, Ohio, being a 15-foot alley of Mackinaw Addition to the Village of Franklin as recorded in P.B. 1 Pg. 199, the boundary of which being more particularly described as follows:

Beginning at a 5/8" iron pin set at the southeast corner of Lot 153 of the aforementioned Mackinaw Addition;

Thence along the west right of way line of Pine Street, S27°17'56"W a distance of 15.00 feet to a 5/8" iron pin set at the northeast corner of Lot 139;

Thence along the north line of Lots 139, 140, 141 and 142, N62°50'12"W a distance of 250.00 feet to a mag nail set;

Thence N27°17'56"E a distance of 15.00 feet to a 2" metal post found at the southwest corner of Lot 149;

Thence along the south line of Lots 149, 150, 151, 152 and the aforementioned Lot 153, S62°50'12"E a distance of 250.00 feet to the Point of Beginning.

Containing 0.086 acres of land, more or less and being subject to easements, restrictions and rights of way of record.

Bearings are based on the Ohio State Plane Coordinate System, South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing (VRS). (NAD '83-2011)

The above description is based on a field survey performed by The Kleingers Group in December of 2022 under the direct supervision of Matthew D. Habedank, Ohio Professional Surveyor No. 8611. A plat of survey is filed in Volume \_\_\_\_\_ Page \_\_\_\_\_ of the Warren County Engineer's Record of Land Surveys.

\_\_\_\_\_  
Matthew D. Habedank  
Ohio Professional Surveyor No. 8611

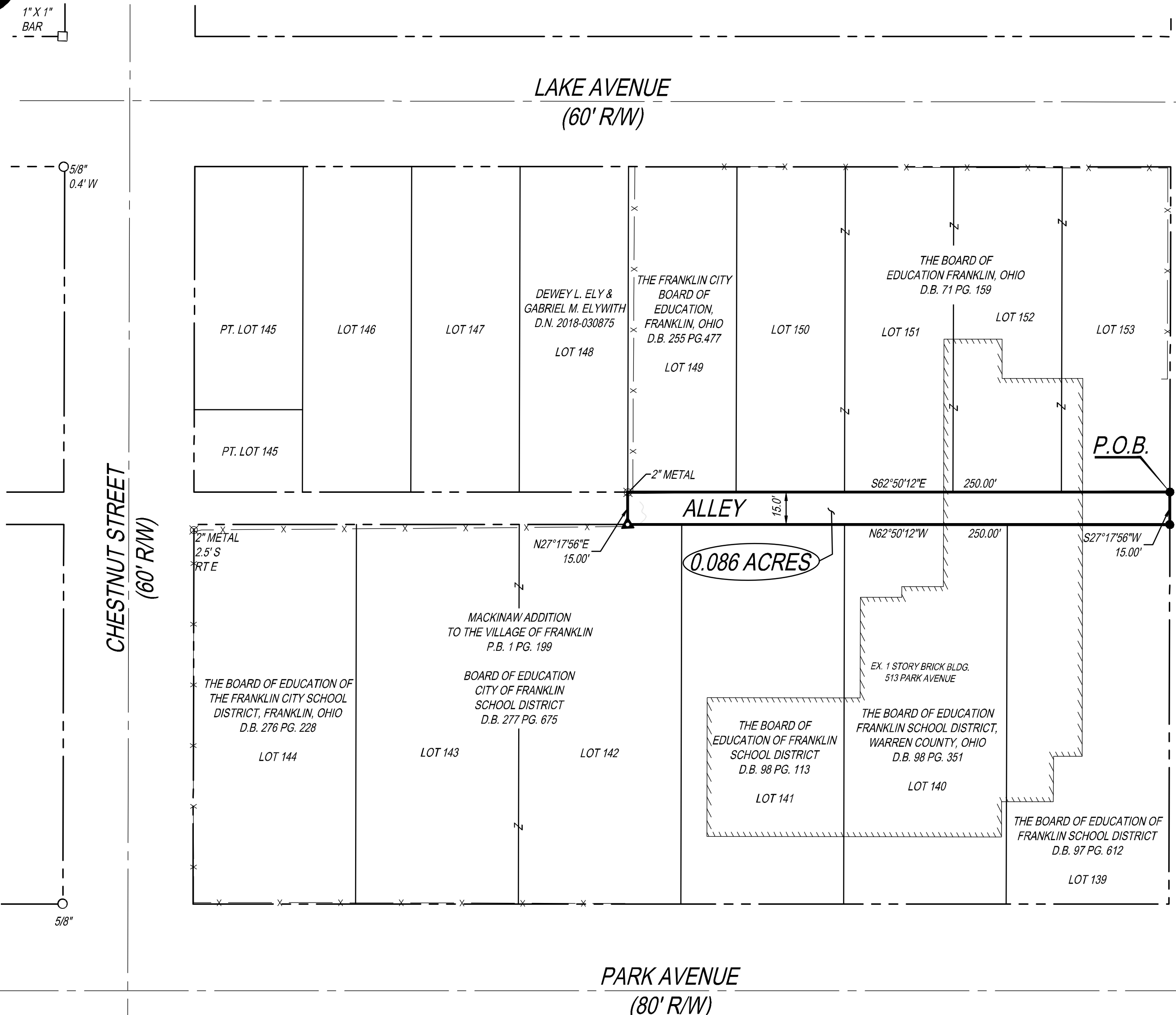
\_\_\_\_\_  
Date



1" X 1"  
BAR



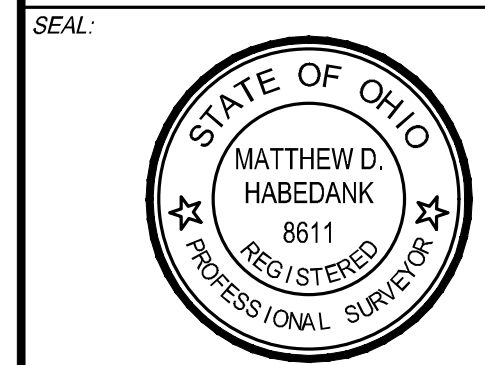
CIVIL ENGINEERING SURVEYING LANDSCAPE ARCHITECTURE  
www.kleingers.com  
6219 Centre Park Dr.  
West Chester, OH 45069  
513.779.7851



**PRELIMINARY ACCESS APPROVAL**

\_\_\_\_\_ GRANTED \_\_\_\_\_ NOT APPLICABLE  
  
NEIL F. TUNISON, P.S., P.E.  
WARREN COUNTY ENGINEER

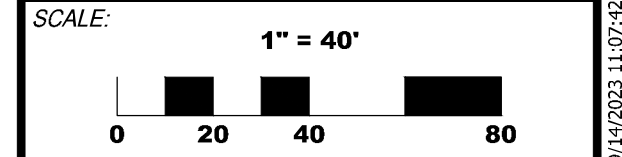
**0.086 ACRES:**  
North: 575300.6708' East: 1457199.8404'  
  
Segment #1 : Line  
Course: S27° 17' 56"W Length: 15.00'  
North: 575287.3414' East: 1457192.9610'  
  
Segment #2 : Line  
Course: N62° 50' 12"W Length: 250.00'  
North: 575401.4736' East: 1456970.5338'  
  
Segment #3 : Line  
Course: N27° 17' 56"E Length: 15.00'  
North: 575414.8030' East: 1456977.4133'  
  
Segment #4 : Line  
Course: S62° 50' 12"E Length: 250.00'  
North: 575300.6708' East: 1457199.8404'  
  
Perimeter: 530.00' Area: 0.086 acres  
Error Closure: 0.0000 Course: N00° 00' 00"E  
Error North: 0.00000 East: 0.00000  
  
Precision 1: 530000000.00



| NO. | DATE      | DESCRIPTION         |
|-----|-----------|---------------------|
| 1   | 12-5-2022 | VACATION PLAT - JDB |

**VACATION PLAT**  
**0.086 ACRES**  
SECTION 4, TOWN 1N, RANGE 5E BTM  
FRANKLIN TOWNSHIP  
CITY OF FRANKLIN,  
WARREN COUNTY, OHIO

PROJECT NO: **221151VSD00**  
DATE: **12-05-2022**



SHEET NAME:  
**513 PARK AVENUE**

SHEET NO.  
**1 OF 1**

- NOTES:**
- SOURCE DOCUMENTS AS NOTED.
  - OCCUPATION IN GENERAL FITS SURVEY.
  - MONUMENTATION IS IN GOOD CONDITION UNLESS OTHERWISE NOTED.
  - ALL IRON PINS SET ARE 5/8" DIAMETER x 30" IRON REBAR WITH ID CAP STAMPED "KLEINGERS".
  - BEARINGS ARE BASED ON OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, AS DERIVED FROM THE OHIO DEPARTMENT OF TRANSPORTATION'S VIRTUAL REFERENCE STATIONING (VRS). (NAD '83 - 2011)

- LEGEND**
- 5/8" IRON PIN SET (UNLESS NOTED OTHERWISE)
  - ▲ MAG NAIL SET
  - IRON PIN FOUND (SIZE AS NOTED)
  - CONCRETE MONUMENT FOUND
  - ⊙ PIPE FOUND (SIZE AS NOTED)
  - ⊠ FENCE POST
  - x — FENCE LINE

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THIS PLAT OF SURVEY WAS PREPARED UNDER MY DIRECTION AND IN ACCORDANCE WITH OHIO ADMINISTRATIVE CODE CHAPTER 4733-37 "MINIMUM STANDARDS FOR BOUNDARY SURVEYS". ALL MONUMENTATION HAS BEEN SET AS SHOWN.

MATTHEW D. HABEDANK \_\_\_\_\_ DATE \_\_\_\_\_  
OHIO PROFESSIONAL SURVEYOR NO. 8611

PL:2022.221151.0000.DWG/221151VSD000 513 PARK AVENUE.dwg 9/14/2023 11:07:42 AM, math