

RECORD OF ORDINANCES  
City of Grandview Heights

Ordinance No. 2018-13 Passed May 7, 2018

An Ordinance to vacate the remaining portion of the Burrell Avenue Right of Way and to Vacate the Remaining Portion of the Higgs Avenue Right of Way

**WHEREAS**, by Ord. 2014-27 passed July 21, 2014, Grandview Heights City Council accepted the plat of Grandview Yard Phase 4B; and

**WHEREAS**, as part of Phase 4B, Burrell Avenue was, in part, reconfigured, constructed and platted to serve as an extension of West First Avenue, and in part relocated to continue along the south side of the greenspace located within the Grandview Yard, so as to conform with the grid shown in the Grandview Yard District Framework, previously adopted and made a part of the City's Codified Ordinances (1159.09.07); and

**WHEREAS**, Ordinance 2016-25, passed July 7, 2016, authorized the vacation of a portion of Burrell Avenue to permit the construction of office buildings along the west side of Yard Street; and

**WHEREAS**, the City no longer has a need for the remaining portion of Burrell Avenue shown and described in the attached Exhibit A to serve as a public road or right-of-way, and the vacation of this section of right-of-way will not be detrimental to the City or the general interest of the public; provided, however, that the City will continue to maintain easements as may be needed to provide and attend to public utilities needs and maintenance; and

**WHEREAS**, the City no longer has a need for the remaining portion of Higgs Avenue shown and described in Exhibit B to service as a public road or right-of-way and the vacation of this section of right-or way will not be detrimental to the City or the general interest of the public; provided, however, that the City will continue to maintain an unrestricted utility easement reserved for any utility lines or public needs now or hereafter located within, under or over said vacated area and the right to maintain, operate, repair or replace any such utility lines; and

**WHEREAS**, by Resolution 2016-14 passed September 6, 2016, Grandview Heights City Council agreed to vacate both the right of way of Burrell Avenue and the right of way of Higgs when the adjoining property was transferred to Nationwide Realty Investors; and

**WHEREAS**, Resolution 2016-14 also gave Nationwide Realty Investors a "Right of Entry" to include the right of way of Higgs Avenue to site a parking garage shown on the Grandview Yard District Framework; and

**WHEREAS**, after the Burrell Avenue and the Higgs Avenue rights-of-way shown in the accompanying exhibits are vacated, the land will be deeded in accordance with the terms of the Amended and Restated Development Agreement between the City of Grandview Heights and Nationwide Realty Investors and the Grandview Yard District Framework Plan.

RECORD OF ORDINANCES  
City of Grandview Heights

Ordinance No. 2018-13 Passed May 7, 2018

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

**SECTION 1.** That the portion of Burrell Avenue located within the City of Grandview Heights and described and depicted in the attached Exhibit A, incorporated and made a part of this legislation as if fully rewritten herein, is hereby vacated, subject to the reservation by the City of an unrestricted utility easement reserved for any utility lines or public needs now or hereafter located within, under or over said vacated area and the right to maintain, operate, repair or replace any such utility lines.

**SECTION 2.** That the portion of Higgs Avenue located within the City of Grandview Heights and described and depicted in the attached Exhibit B, incorporated and made a part of this legislation as if fully rewritten herein, is hereby vacated, subject to the reservation by the City of an unrestricted utility easement reserved for any utility lines or public needs now or hereafter located within, under or over said vacated area and the right to maintain, operate, repair or replace any such utility lines.

**SECTION 3.** That the Mayor, Director of Finance, and other City officials are hereby authorized to take any additional actions necessary to effectuate and record the vacation of this right-of-way.

**SECTION 4.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Greta Kearns, President  
Grandview Heights City Council

Attest:

Deborah K. Nicodemus, CMC  
Clerk of Council

Approved as to form:

Approved Not Approved

Marie-Joëlle C. Khouzam  
City Attorney

Ray E. DeGraw, Mayor

Date: 5, 7, 2018

Date: 5/10, 2018

THEREBY CERTIFY THAT PUBLICATION OF THE FOREGOING ORDINANCE OF RESOLUTION WAS MADE BY POSTING TRUE COPIES THEREOF AT FIVE OF THE MOST PUBLIC PLACES IN GRANDVIEW HEIGHTS AS DETERMINED BY COUNCIL PURSUANT TO ORD. 50-80 TO WIT: GRANDVIEW HEIGHTS MUNICIPAL ELEMENTARY SCHOOL, GRANDVIEW HEIGHTS HIGH SCHOOL, GRANDVIEW HEIGHTS PUBLIC LIBRARY, EACH FOR A PERIOD OF FIFTEEN DAYS COMMENCING ON THE 19 DAY OF MAY 2018

**RIGHT OF WAY VACATION  
0.317 ACRE**

Situated in the State of Ohio, County of Franklin, City of Grandview Heights, in Section 7, Township 5, Range 22, Refugee Lands, being part of Burrell Avenue as conveyed to the City of Grandview Heights by deeds of record in Deed Book 1472, Page 553 and Deed Book 1472, Page 556 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at an iron pin set at the intersection of the northerly right of way line of Burrell Avenue, the easterly right-of-way line of Bobcat Avenue, and the southerly right-of-way line of First Avenue, as shown in Plat Book 118, Page 47, the southwesterly corner of that tract conveyed to NRI Equity Land Investments, LLC by deed of record in Instrument Number 200607310149597;

Thence South 86° 21' 28" East, with the southerly line of said NRI Equity Land Investments, LLC tract, a distance of 274.63 feet to an iron pin set at the northwesterly corner of the portion of Burrell Avenue vacated by Ordinance Number 2016-25, of record in Instrument Number 201607270097787 and conveyed to NRI Equity Land Investments, LLC by deed of record in Instrument Number 201607270097788;

Thence South 15° 34' 16" East, with the westerly line of said vacated Burrell Avenue and NRI tract, a distance of 52.95 feet to an iron pin set at the southwesterly corner thereof, in the easterly right of way line of Higgs Avenue (50 feet wide, Deed Book 1459, Page 241), the northwesterly corner of that tract conveyed to NRI Equity Land Investments, LLC by deed of record in Instrument Number 200912230185348;

Thence North 86° 21' 28" West, partly crossing said Higgs Avenue and partly with the northerly line of that tract of land conveyed to Big Valley, Ltd. by deed of record in Official Record 33779G16, a distance of 277.17 feet to an iron pin set in the easterly right-of-way line of said Bobcat Avenue;

Thence with said easterly right-of-way line and with the arc of a curve to the right, having a central angle of 01° 31' 05", a radius of 1969.00 feet, an arc length of 52.17 feet, a chord bearing of North 12° 56' 06" West and chord distance of 52.17 feet to the POINT OF BEGINNING, containing 0.317 acre of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on North 11° 35' 59" West, for a section of the westerly right-of-way line of Yard Street as shown on that plat entitled "Grandview Yard Phase 4B" of record in Plat Book 118, Page 47, Recorder's Office, Franklin County, Ohio.

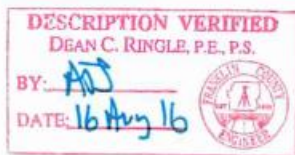
This description is based on an actual field survey performed in April of 2016.

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EVANS, MECHWART, HAMBLETON & TILTON, INC.

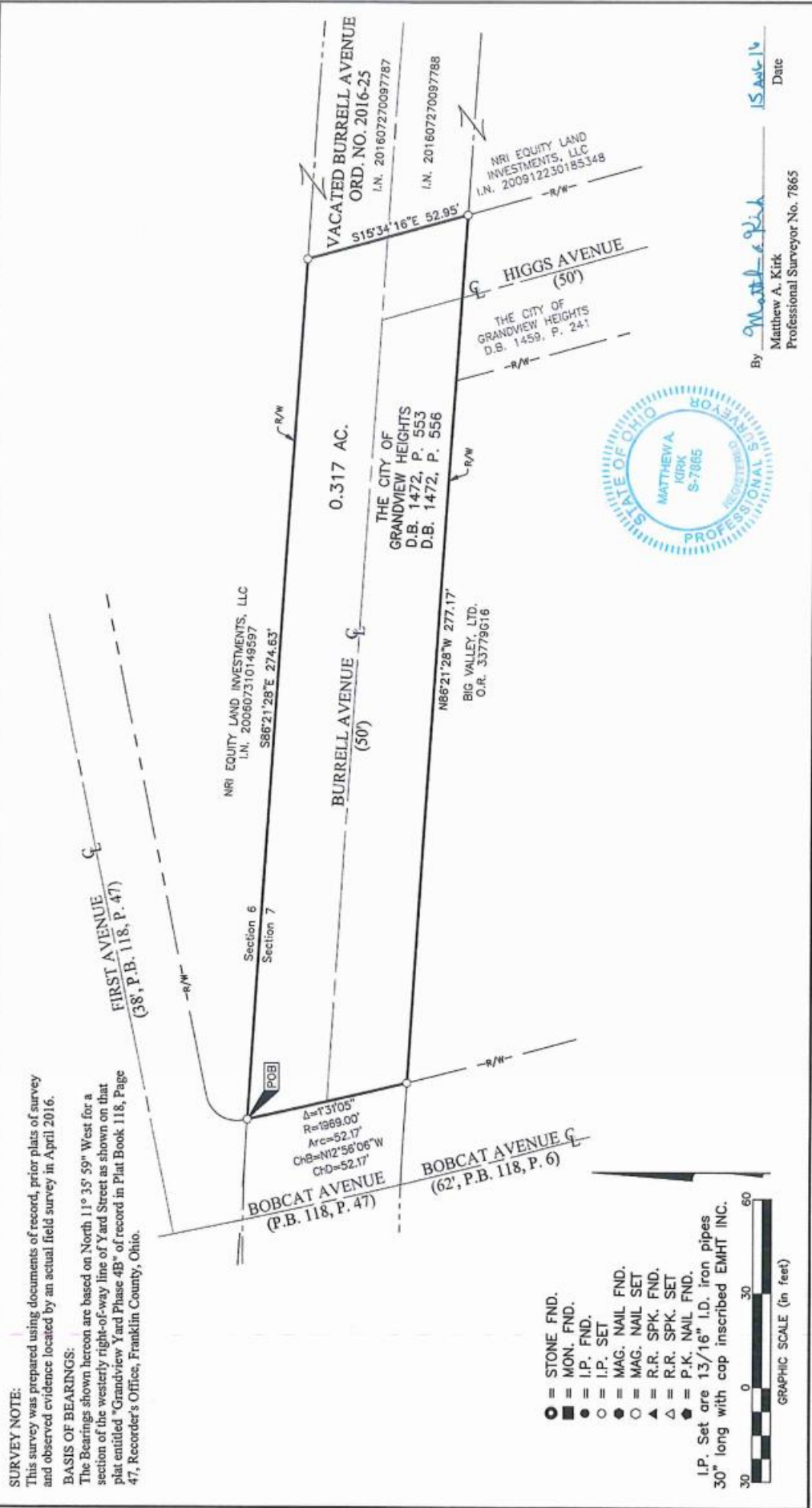
*Matthew A Kirk*  
Matthew A. Kirk  
Professional Surveyor No. 7865

15 Aug 16  
Date



**RIGHT OF WAY VACATION**  
**SECTION 7, TOWNSHIP 5, RANGE 22**  
**REFUGEE LANDS**  
**CITY OF GRANDVIEW HEIGHTS, COUNTY OF FRANKLIN, STATE OF OHIO**

Date: August 15, 2016  
 Scale: 1" = 30'  
 Job No: 2016-0966



**SURVEY NOTE:**  
 This survey was prepared using documents of record, prior plats of survey and observed evidence located by an actual field survey in April 2016.

**BASIS OF BEARINGS:**  
 The Bearings shown hereon are based on North 11° 35' 59" West for a section of the westerly right-of-way line of Yard Street as shown on that plat entitled "Grandview Yard Phase 4B" of record in Plat Book 118, Page 47, Recorder's Office, Franklin County, Ohio.

- = STONE FND.
  - = MON. FND.
  - = I.P. FND.
  - = I.P. SET
  - = MAG. NAIL FND.
  - = MAG. NAIL SET
  - ▲ = R.R. SPK. FND.
  - △ = R.R. SPK. SET
  - ◆ = P.K. NAIL FND.
- I.P. Set are 1 3/16" I.D. iron pipes 30" long with cap inscribed EMHT INC.



By: *Matthew A. Kirk*  
 Matthew A. Kirk  
 Professional Surveyor No. 7865  
 Date: 15 Aug 16

**RIGHT OF WAY VACATION  
0.879 ACRE**

Situated in the State of Ohio, County of Franklin, City of Grandview Heights, in Section 7, Township 5, Range 22, Refugee Lands, being part of Higgs Avenue as conveyed to the City of Grandview Heights by deed of record in Deed Book 1459, Page 241 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at a permanent marker set at the northwesterly corner of Yard Street (79 feet wide, Plat Book 118, Page 6), in the southerly right-of-way line of Burrell Avenue, as conveyed to the City of Grandview Heights by deeds of record in Deed Book 1472, Page 553 and Deed Book 1472, Page 556, at the southeasterly corner as vacated by Ordinance Number 2016-25, of record in Instrument Number 201607270097787 and quit claimed to NRI Equity Land Investments, LLC by deed of record in Instrument Number 201607270097788, and the northeasterly corner of that tract conveyed to NRI Equity Land Investments, LLC by deed of record in Instrument Number 200912230185348;

Thence North 86° 21' 28" West, with the southerly right-of-way line of said vacated Burrell Avenue and said NRI tract, a distance of 245.85 feet to an iron pin set at the southwesterly corner thereof, in the easterly right-of-way line of said Higgs Avenue, the northwesterly corner of said NRI Equity Land Investments, LLC tract, the TRUE POINT OF BEGINNING for this description;

Thence South 15° 34' 16" East, partly with the westerly line of said NRI Equity Land Investments, LLC tract, partly with the westerly lines of those tracts of land conveyed to NRI Equity Land Investments, LLC by deeds of record in Instrument Numbers 200806180093651 and 200910280155446, and partly with the northerly right-of-way line of Williams Avenue (variable width, Plat Book 118, Page 6), a distance of 754.44 feet to an iron pin set at an angle point in the northerly right-of-way line of said Williams Avenue (Plat Book 116, Page 61);

Thence with said northerly right-of-way line and with the arc of a curve to the left, having a central angle of 02° 36' 50", a radius of 1103.96 feet, an arc length of 50.36 feet, a chord bearing of South 67° 36' 02" West and chord distance of 50.36 feet to an iron pin set;

Thence North 15° 34' 16" West, partly with said northerly right-of-way line and partly with the easterly line of that tract conveyed to Big Valley, Ltd. by deed of record in Official Record 33779G16, a distance of 777.86 feet to an iron pin set in the southerly right-of-way line of said Burrell Avenue;

Thence South 86° 21' 28" East, with said southerly right-of-way line, a distance of 52.95 feet to the TRUE POINT OF BEGINNING, containing 0.879 acre of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Permanent markers set, where indicated, are solid iron pins, one (1) inch diameter, thirty (30) inches long with an aluminum cap placed on the top bearing the initials EMHT INC.

The bearings herein are based on North 11° 35' 59" West, for a section of the westerly right-of-way line of Yard Street, as shown on that plat entitled "Grandview Yard Phase 4B", of record in Plat Book 118, Page 47, Recorder's Office, Franklin County, Ohio.

This description is based on an actual field survey performed in April of 2016.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A. Kirk*

Matthew A. Kirk  
Professional Surveyor No. 7865

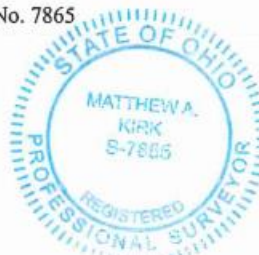
*15 Aug 16*

Date

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Vacation  
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ORD 2018-13  
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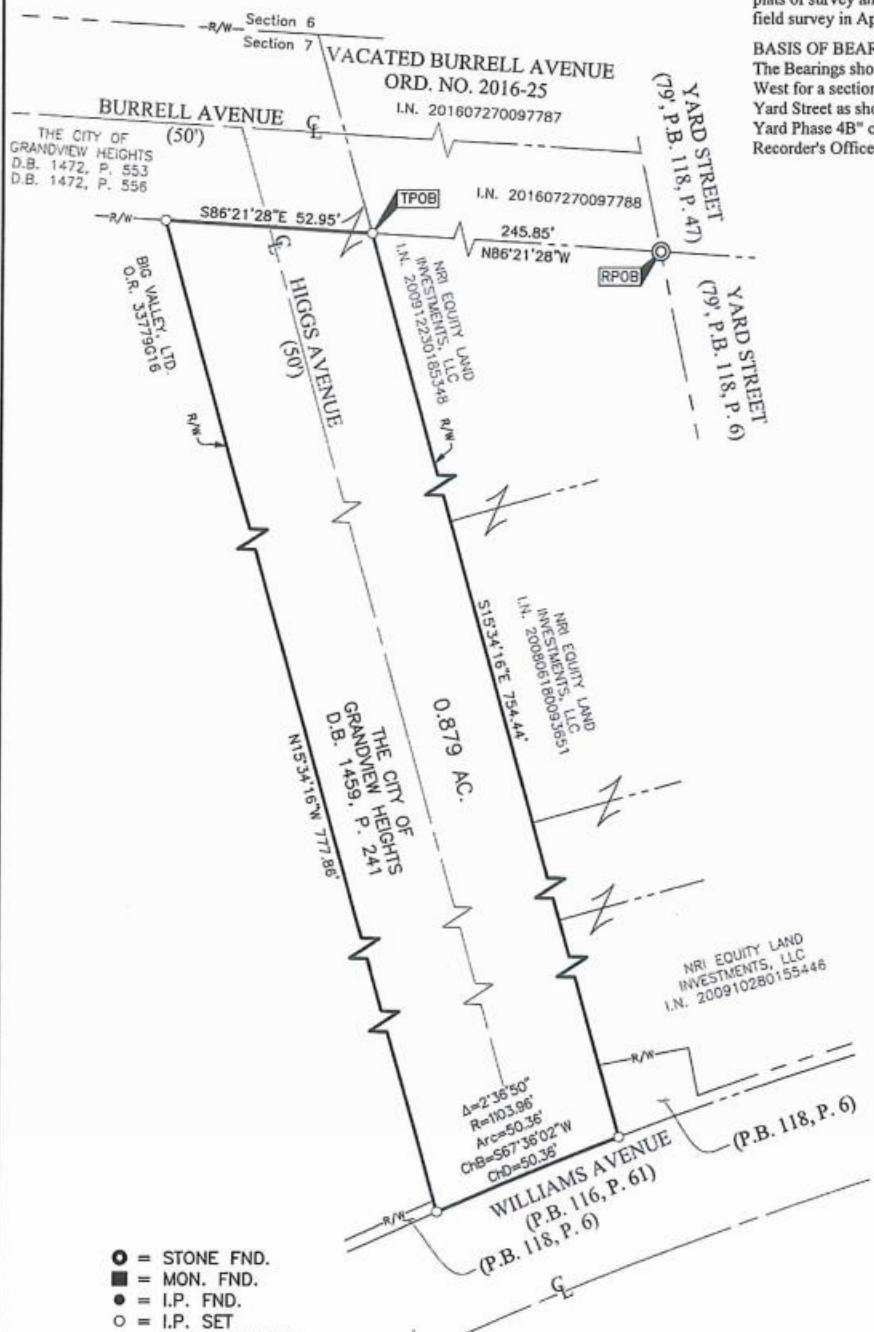
**EMHT**  
Evans, Mechtorf, Hambleton & Tilton, Inc.  
Engineers • Surveyors • Planners • Scientists  
5500 New Albany Road, Columbus, OH 43254  
Phone: 614.775.4500 Fax: 614.775.3448  
emht.com

**RIGHT OF WAY VACATION**  
SECTION 7, TOWNSHIP 5, RANGE 22  
REFUGEE LANDS  
CITY OF GRANDVIEW HEIGHTS, COUNTY OF FRANKLIN, STATE OF OHIO

Date: August 15, 2016 Job No: 2016-0966 Scale: 1" = 30'

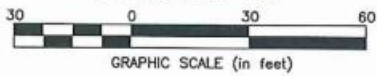
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- △ = R.R. SPK. SET
- = P.K. NAIL FND.
- ◎ = PERM. MRKR. SET

I.P. Set are 13/16" I.D. iron pipes 30" long with cap stamped EMHT INC. Permanent Markers set are one-inch solid iron pins with aluminum cap stamped EMHT INC.



By Matthew A. Kirk Date 15 Aug 16  
Matthew A. Kirk  
Professional Surveyor No. 7865

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