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02/25/2008 12:25PM MLE P FERRIS
Robert G. Montgomery
Franklin County Recorder

Prepared: 01/09/07
Introduced: 01/16/07
Amended:
Adopted: 2/6/07

ORDINANCE O-03-2007

AN ORDINANCE TO VACATE MARTA DRIVE (STUB), AS REQUESTED BY SMITH MILL VENTURES, LLC

WHEREAS, a petition, pursuant to O.R.C. Section 723.04, signed by the owner of all lots and lands abutting upon Marta Drive stub was presented to this Council praying for and consenting to the vacation of said street, and

WHEREAS, the Village of New Albany has received written consent to such vacation by the owner of all lots and lands abutting this portion of Marta Drive stub, and

WHEREAS, no publication is required.

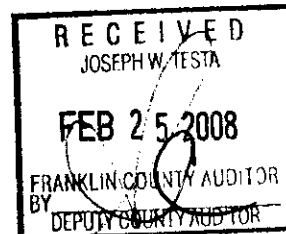
WHEREAS, Council, upon hearing, is satisfied that there is good cause for such vacation as prayed for in said petition, that it will not be detrimental to the general interests and should be made.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of New Albany, County of Franklin, State of Ohio:

Section 1: That approximately 0.241acre of Marta Drive stub with the complete legal description being attached hereto as Exhibit A, is hereby vacated.

Section 2: That it is hereby found and determined that all formal actions of Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of the decision making bodies of the Municipality of New Albany which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the Municipality of New Albany, Franklin County, Ohio.

Section 3: That this Ordinance shall take effect at the earliest period allow by law.





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Section 3: That this Ordinance shall take effect at the earliest period allow by law.

CERTIFIED AS ADOPTED this 6th day of Feb, 2007.

Nancy I. Ferguson
Nancy I. Ferguson, Mayor

Joseph Stefanov
Joseph Stefanov, Village Administrator

ATTEST:

APPROVED AS TO FORM BY:

Betty J. Bosko
Betty J. Bosko, Clerk of Council

Mitchell H. Banchefsky
Mitchell H. Banchefsky, Village Solicitor

Betty J. Bosko, Clerk of Council of the Village of New Albany, certify that the foregoing is a true and correct copy of Ordinance 0-03-2007, passed by Council on 2/6/07, signed by the Mayor on 2/6/07, and duly posted in accordance with Section 6.12 of the Charter.

Signature Betty J. Bosko
Title Clerk of Council
Date 2/19/08



VACATION OF MARTA DRIVE
0.241 ACRE

Situated in the State of Ohio, County of Franklin, Village of New Albany, lying in Lot 23, Quarter Township 1, Township 2, Range 16, United States Military District, being all of that right-of way entitled Marta Drive as shown on the subdivision plat entitled Hugh Subdivision of record in Plat Book 27, Page 56, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning for reference, at the centerline intersection of Smith's Mill Road and Johnstown Road as shown on the plat entitled Smith's Mill Road Dedication and Easements of record in Plat Book 95, Pages 91, 92, 93 and 94;

Thence with the centerline of said Johnstown Road the following courses and distances:

North 58° 20' 45" East, 641.96 feet, to a point of curvature to the right;

with the arc of said curve, having a central angle of 01° 51' 01", a radius of 5729.64 feet, an arc length of 185.02 feet, and a chord bearing and distance of North 59° 16' 15" East, 185.01 feet, to a point of tangency;

North 60° 11' 45" East, 475.62 feet, to a point;

Thence South 29° 48' 17" East, across the right-of-way of said Johnstown Road, a distance of 50.00 feet, to the northerly right-of-way line of said Marta Drive, being a northeasterly corner of that tract as conveyed to Smith Mill Ventures LLC of record in Instrument Number 200608170162929, being the TRUE POINT OF BEGINNING ;

Thence with the perimeter of said Marta Drive, the following courses and distances:

North 60° 10' 13" East, 90.00 feet, to a northwesterly corner of said Smith Mill Ventures LLC;

with the arc of a curve to the left, having a central angle of 90° 20' 20", a radius of 20.00 feet, an arc length of 31.54 feet, and a chord bearing and distance of South 15° 01' 28" West, 28.37 feet, to a point of tangency; and

South 30° 08' 47" East, 185.97 feet, to a corner thereof;

South 60° 04' 21" West, 50.00 feet to a corner thereof;

North 30° 08' 47" West, 186.28 feet, to a point of curvature to the left;

with the arc of said curve, having a central angle of 89° 39' 30", a radius of 20.00 feet, an arc length of 31.30 feet, and a chord bearing and distance of North 74° 58' 32" West, 28.20 feet to the POINT OF BEGINNING and containing 0.241 acres, 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 shown hereon are based on the same meridian as the bearings shown on the subdivision plat entitled "Forest Drive Dedication and Easements" of record in Plat Book 103, Pages 81 and 82, Recorders Office, Franklin County, Ohio. On said plat of record a portion of the centerline of Forest Drive has a bearing of South 35°33' 17" West



EVANS, MECHWART, HAMBLETON, & TILTON, INC.

Edward J. Miller
Registered Surveyor No. 8250

Date

1/9/07

