



## ORDINANCE 2024-08

**AN ORDINANCE VACATING 0.150 ACRES PORTION, MORE OR LESS, OF CASE AVENUE AS A PUBLIC ROAD IN THE CITY OF POWELL, COUNTY OF DELAWARE, STATE OF OHIO.**

**WHEREAS,** the City of Powell ("City") owns a 0.150-acre portion of Case Avenue ("right-of-way parcel"), which is located west of the intersection of Case Avenue and Depot Street, west of the CSX Railroad, and south of Delaware County Parcel Number 319-426-01-024-000; and

**WHEREAS,** the City approved a Final Development Plan for Delaware County Parcel Number 319-426-01-024-000, which is owned by Grand Communities LLC, for the development of Encore Park, which is a residential subdivision; and

**WHEREAS,** the Final Development Plan for Encore Park, which was approved pursuant to City Ordinance 2023-14, included the right-of-way parcel, which is described and depicted in the attached exhibits; and

**WHEREAS,** the City does not need the right-of-way parcel for roadway purposes and wishes to vacate the same; and

**WHEREAS,** Ohio Revised Code section 723.04 enables municipalities to vacate streets or any portion thereof where such vacation will not be detrimental to the general interests; and

**WHEREAS,** in order to effectuate the Final Development Plan, which was approved by the City, the City seeks to adopt and record this Ordinance; and

**WHEREAS,** the City is satisfied that good cause exists to vacate the right-of-way parcel, and that doing so will not be detrimental to the general public interest and is in the best interest of the City.

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, COUNTY OF DELAWARE, STATE OF OHIO AS FOLLOWS:**


Section 1: Council hereby declares that good cause exists for the vacation of the 0.150-acre right-of-way parcel described and depicted in the attached exhibits, and that such vacation will not be detrimental to the general public health, safety, or welfare.

Section 2: The 0.150-acre right-of-way parcel described and depicted in the attached exhibits is hereby vacated.


Section 3: The Clerk of Council is directed to notify the Auditor, Engineer, and Recorder of Delaware County of this vacation, conveyance, and lot combination by forwarding a copy of this Ordinance to the County departments.

Section 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of Council and any of the decision making bodies of the City of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 5: That this ordinance shall take effect on the earliest date allowed by law.

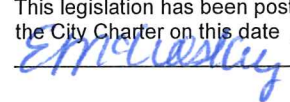
  
\_\_\_\_\_  
Tom Counts  
Mayor

3/5/24  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Elaine McCloskey  
City Clerk

3/5/2024  
\_\_\_\_\_  
Date

EFFECTIVE DATE: April 5 2024

This legislation has been posted in accordance with the City Charter on this date 3/6/24  
  
\_\_\_\_\_  
City Clerk

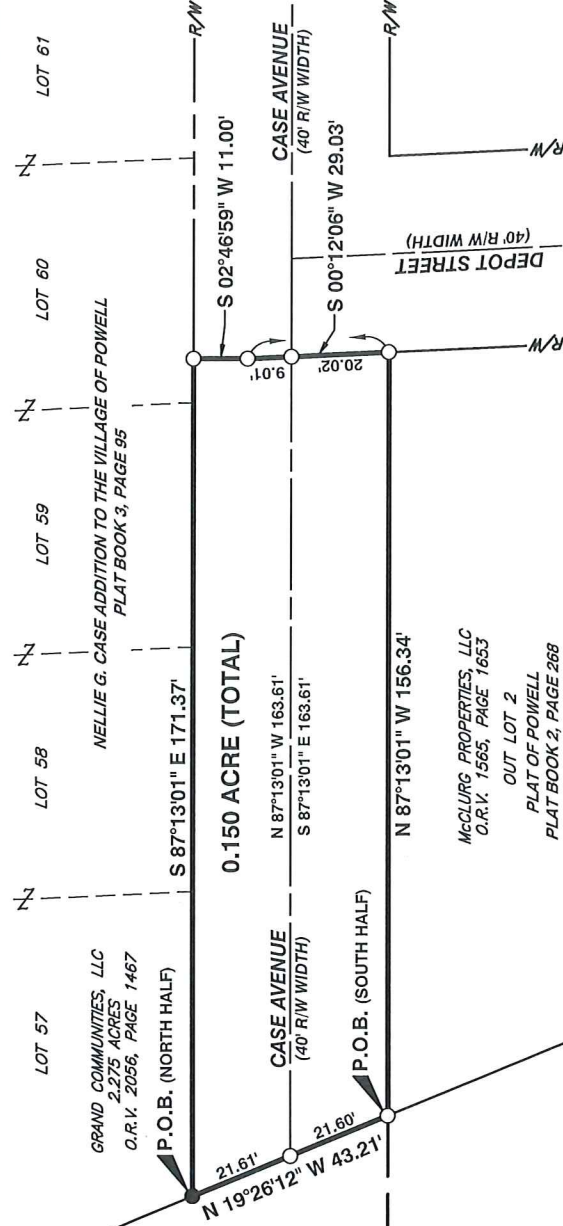
# PLAT OF VACATION

STATE OF OHIO, COUNTY OF DELAWARE, CITY OF POWELL,  
 FARM LOT 32, QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 19,  
 UNITED STATES MILITARY LANDS.

CSX RAILROAD  
 D.B. 100, PAGE 550

GRAND COMMUNITIES, LLC  
 2.275 ACRES  
 O.R.V. 2056, PAGE 1467

NELLIE G. CASE ADDITION TO THE VILLAGE OF POWELL  
 PLAT BOOK 3, PAGE 95



NORTH

SCALE IN FEET



McCLURG PROPERTIES, LLC  
 O.R.V. 1565, PAGE 1653  
 OUT LOT 2  
 PLAT OF POWELL  
 PLAT BOOK 2, PAGE 268

### LEGEND

- 5/8" REBAR FOUND (UNLESS OTHERWISE STATED)
- REBAR SET & CAP (SEE IRON PINS NOTE)



### CERTIFICATION:

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PREPARED FROM AN ACTUAL FIELD SURVEY PERFORMED BY OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH CHAPTER 4733-37 OHIO ADMINISTRATIVE CODE. THE SURVEY WAS PERFORMED IN AUGUST, 2022.

*Jeremy Lewis Van Ostran*  
 JEREMY L. VAN OSTRAN  
 PROFESSIONAL LAND SURVEYOR NO. 8283

10/21/23

DATE

### BASIS OF BEARINGS:

THE BEARINGS SHOWN ON THIS SURVEY ARE BASED ON THE BEARING OF NORTH 87°13'01" WEST AS DETERMINED FOR THE NORTH RIGHT-OF-WAY LINE OF CASE AVENUE BASED ON FIELD OBSERVATIONS PERFORMED IN AUGUST, 2022 AND BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD83 (NSRS 2011 ADJUSTMENT). SAID BEARING WAS ESTABLISHED BY STATIC AND RTK GPS OBSERVATIONS CALCULATED USING NATIONAL GEODETIC SURVEY, OPUS-S SERVICE PERFORMED ON AUGUST, 15 OF THE YEAR 2022.

### IRON PINS:

ALL IRON PINS SET ARE 5/8" SOLID REBAR THIRTY INCHES IN LENGTH WITH A YELLOW PLASTIC CAP BEARING THE INITIALS "CEC INC".

### PERTINENT DOCUMENTS:

DEEDS OF RECORD ON FILE AT THE DELAWARE COUNTY RECORDER'S OFFICE, EXISTING CEC SURVEYS, SURVEYS OF RECORD & TAX MAPS ON FILE AT DELAWARE COUNTY.



**Civil & Environmental Consultants, Inc.**  
 250 W. Old Wilson Bridge Road · Suite 250 · Worthington, OH 43085  
 614-540-6633 · 888-598-6808  
 www.cecinc.com

GRAND COMMUNITIES, LLC

CITY OF POWELL  
 DELAWARE COUNTY, OHIO

VACATION PLAT (CASE AVENUE)

DRAWN BY: KAS | CHECKED BY: JLV | APPROVED BY: JLV | EXHIBIT: 325-275  
 DATE: OCTOBER 2023 | DWG SCALE: 1"=30' | PROJECT NO: 325-275

SRV



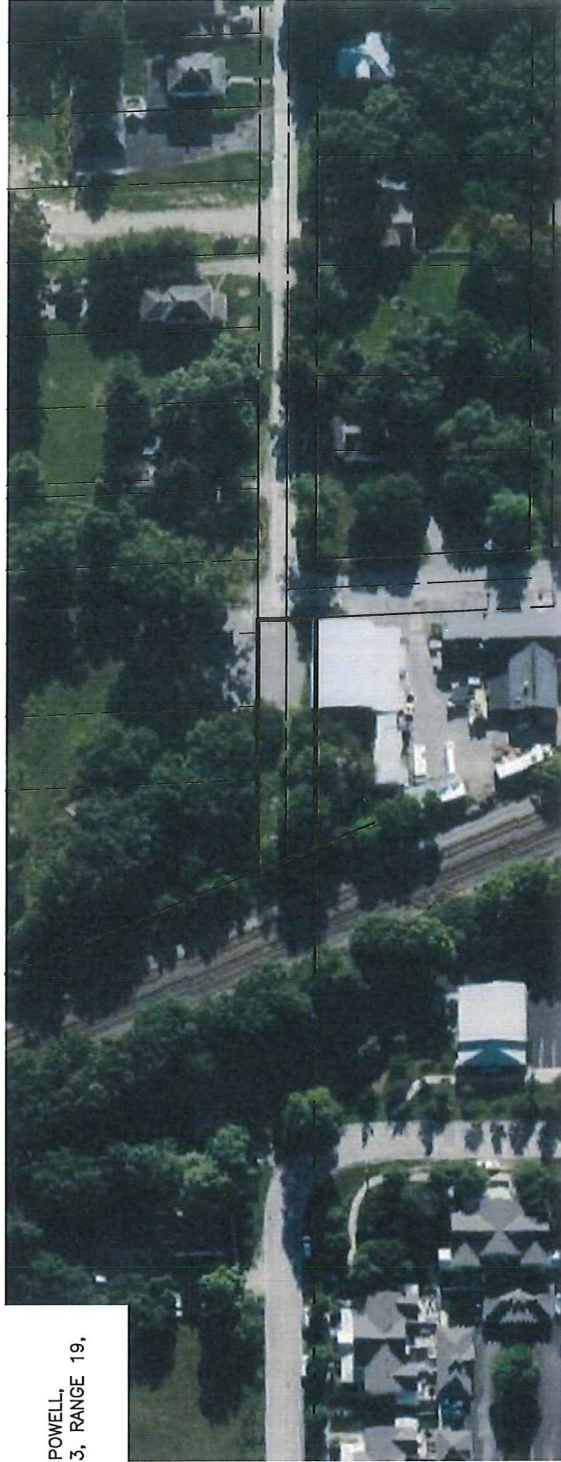
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*Jeremy Van Ostran*  
 JEREMY L. VAN OSTRAN  
 PROFESSIONAL LAND SURVEYOR NO. 8283

10/19/23

DATE

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GRAND COMMUNITIES, LLC

CITY OF POWELL  
 DELAWARE COUNTY, OHIO

VACATION PLAT (CASE AVENUE)

DRAWN BY: KAS CHECKED BY: JLJ/

DATE: OCTOBER 2023 DWG SCALE: 1"=100'

JLJ/ EXHIBIT:

325-275

SRV