

RECORD OF ORDINANCES

Instrument  
201700005199 OR

Book Page  
537 222

Form 6220S

BARNETT BROTHERS - DAYTON, OHIO

August 21 2017

Ordinance No. **0-80-17**

Passed \_\_\_\_\_

Introduced by Chris Fahl, Chair  
Planning & Development Committee

AN ORDINANCE VACATING A PORTION OF MOORE AVENUE, AKA MOORE STREET, BETWEEN FACTORY STREET AND ROBERTS ALLEY UPON PETITION OF THE ADJOINING PROPERTY OWNER, OHIO UNIVERSITY.

WHEREAS, Ohio University has petitioned the City to vacate a portion of Moore Avenue that is no longer being used as a public street; and

WHEREAS, on March 24, 2017, the Athens City Planning Commission recommended that Athens City Council vacate said gravel portion of Moore Avenue; and

WHEREAS, there are no city-owned utilities in this section of Moore Avenue; and

WHEREAS, it is deemed said vacation will have no adverse impacts to municipal operations;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Pursuant to Ohio Revised Code Section 723.05, the City of Athens, Ohio does hereby vacate a portion of Moore Avenue, including a widened corner, to the abutting property owner, Ohio University, more fully described in the plat map and legal description attached hereto and incorporated herein by reference, and in so doing Ohio University shall be responsible for any utilities on, above, or under the property being vacated.

SECTION II: The Mayor is hereby authorized and instructed to execute a quit claim deed to Ohio University, conveying these premises to said Grantee, as embodied in said new survey.

SECTION III: The Clerk of Council is directed to file a certified copy of this Ordinance with the Athens County Auditor and Recorder.

SECTION IV: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

*Christine B. Kinsely*  
President of Council

ATTEST:

*Debra G. Walker*  
Clerk of Council

APPROVED:

*Frank Labelle*  
Mayor  
201700005199  
FRANK LABELLE

The Clerk of Council does hereby certify that the foregoing is a true and exact copy of Ordinance No. 0-80-17, duly adopted by Athens City Council on August 21, 2017.

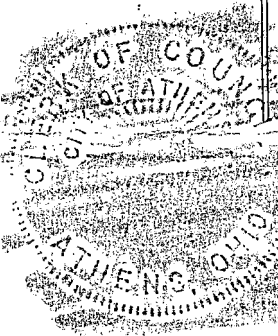
*Debra G. Walker*  
Clerk of Council

DATED: September 20, 2017

Athens Co. Auditor  
*Jill Thompson - jt*

\$ 250 transferred 9/25/17

201700005199  
Filed for Record in  
ATHENS COUNTY, OHIO  
JESSICA MARKINS, RECORDER  
09-26-2017 At 11:20 am.  
ORDINANCE 76.00  
OR Book 537 Page 222 - 229



15th  
6/19

9th  
8/17

**PETITION TO VACATE A PORTION OF MOORE AVENUE**

The undersigned property owner, hereby requests that the City of Athens vacate the portion of Moore Avenue, aka Moore Street, as shown on the attached Tax Plat Map, P-20.

The undersigned property owner claims title to the lots adjoining the portions of said street which it requests be vacated, by those instruments recorded in Vol. 308, Page 1839 Athens County Official Records (Lot 473); Vol. 250, Page 726 Athens County Official Records (Lot 472); Vol. 260, Page 1456 Athens County Official Records (Lot 471 & 470); Vol. 308, Page 1858 Athens County Official Records (Lot 469); Vol. 257, Page 1631 Athens County Official Records (Lot 468 – both parts); and Vol. 220, Page 615 Athens County Deed Records (Lots 467 and Northern part of Lot 480).

OHIO UNIVERSITY

6/15/17  
DATE

BY: Deborah J. Shaffer  
Deborah J. Shaffer  
VP for Finance & Administration, CFO



## **Interoffice Communication**

**Date:** June 5, 2017

**To:** The President and Board of Trustees

**From:** Deborah J. Shaffer, Vice President for Finance and Administration, CFO and Treasurer  
David Averion, Manager of Real Estate Operations and Legal Assistant

**Re:** **Approval of Land Exchange with the City of Athens**

This resolution seeks approval to exchange land parcels with the City of Athens.

The University owns title in fee simple to .378 acres of land located at 525 West Union Street in Athens, where Habitat for Humanity of Southeast Ohio currently is located ("Habitat Parcel").

In the early 2000s, the City and University apparently agreed informally to swap the Habitat Parcel in exchange for a .14-acre parcel consisting of the eastern-most section of Moore Avenue, which is owned by the City ("Moore Avenue Parcel"). At that time, the parties began the process of implementing the land swap, and the University granted a permanent easement to the City that encumbers the Habitat Parcel. However, the full exchange of title was not completed.

In recent months, the parties have reaffirmed their commitment to this land exchange and wish to complete it. The University's acquisition of the Moore Avenue Parcel would facilitate future development of the new Heritage College building and the Union Street Green. By the same token, conveyance of the Habitat Parcel to the City would be in the best interests of the community and would not adversely affect the University's strategic real estate plans.

If the Board of Trustees approves, the parties will begin the formal process to accomplish this transaction, which will involve standard due diligence and the approval of the Ohio Department of Administrative Services and the General Assembly. The City of Athens likely must also vacate the Moore Avenue Parcel in order to convey it to the University, since that parcel currently operates as a public roadway.

**RESOLUTION TO APPROVE LAND EXCHANGE WITH  
THE CITY OF ATHENS**

**RESOLUTION 2017-**

**WHEREAS**, Ohio University owns title in fee simple to .378 acres of land located at 525 West Union Street in Athens, where Habitat for Humanity of Southeast Ohio currently is located ("Habitat Parcel"); and

**WHEREAS**, the University and the City of Athens informally agreed several years ago to exchange the Habitat Parcel for approximately .14 acres of land owned by the City at the eastern-most portion of Moore Avenue in Athens ("Moore Avenue Parcel"); and

**WHEREAS**, the University's acquisition of the Moore Avenue Parcel would facilitate future campus development in that corridor; and

**WHEREAS**, the parties recently reaffirmed their agreement on this matter and wish to implement the exchange of these parcels.

**NOW THEREFORE, BE IT RESOLVED**, that the Ohio University Board of Trustees hereby approves the conveyance of the Habitat Parcel to the City of Athens in exchange for fee simple title to the Moore Avenue Parcel.

**BE IT FURTHER RESOLVED**, that the President or his designee is hereby authorized to oversee the process to finalize this land exchange, including through the Ohio Department of Administrative Services and the General Assembly, and to execute the appropriate agreements and other documents necessary to memorialize the transaction in accordance with Ohio law.



**buckleygroup**

engineering + surveying

499 Richland Avenue Athens, Ohio 45701  
Phone: 740-589-5001 Fax: 740-589-5004  
rbuckley@buckleygroupllc.com

Description Checked for  
Mathematical Accuracy  
Athens County  
ENGINEER'S OFFICE

BY: *Thomas Williams*  
DATE: 6/15/17

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537 226

Instrument  
20170005199 OR

## DESCRIPTION OF A 0.138 ACRE PARCEL TO BE VACATED

### Situated in Athens Township, Athens County, State of Ohio

Being a **0.138 acre** parcel of land located in part of Section 15, Township 9 North, Range 12 W, Ohio Company Purchase, Athens Township, City of Athens, Athens County, State of Ohio and being a part of a platted street, Moore Avenue, (a 20.00 foot width right of way) as recorded in G.T. Gould's Addition to the City of Athens in Envelope 90C of said county deed records and all of a parcel as conveyed to the City of Athens by a deed recorded in Official Record Book 14 at Page 178 of said county deed records and being more fully described as follows:

**Beginning** at an iron pin (found) being the southwesterly corner of Lot 473 of said G.T. Gould's Addition as conveyed to The President and Trustees of the Ohio University by a deed recorded in Official Record Book 308 at Page 1839 of said county deed records, a point on the easterly line of Roberts Road (a 30.00 foot width right of way), and a point on the northerly line of said Moore Avenue;

Thence, S 86° 01' 51" E, with the northerly line of said Moore Avenue, southerly line of said Lot 473, southerly line of Lot 472 of said G.T. Gould's Addition as conveyed to The State of Ohio by a deed recorded in Volume 250 at Page 726 of said county deed records, southerly line of Lot 471 & 470 of said G.T. Gould's Addition as conveyed to The President & Trustees of the Ohio University by a deed recorded in Official Record Book 260 at Page 1456 of said county deed records, southerly line of Lot 469 as conveyed to The President and Trustees of the Ohio University by a deed recorded in Official Record Book 308 at Page 1858 of said county deed records, and Lot 468 of said G.T. Gould's Addition as conveyed to the President and Trustees of the Ohio University by a deed recorded in Official Record Book 257 at Page 1631 of said county deed records, passing an iron pipe (found) at 198.52 feet for reference, a total distance of 290.00 feet to a point being the southwesterly corner of a parcel as conveyed to the City of Athens by a deed recorded in Official Record Book 14 at Page 178 of said county deed records;

Thence, N 67° 24' 15" E, with the northerly line of said City of Athens parcel, 11.18 feet to a point on the easterly right of way line of Factory Street (a 60.00 foot width right of way);

Thence, S 3° 58' 09" W, with the easterly line of said Factory Street, passing an iron pipe (found) at 5.00 feet for reference, a total distance of 25.00 feet to a point being the northeasterly corner of Lot 467 of said G.T. Gould's Addition as conveyed to the President and Trustees of the Ohio University by a deed recorded in Volume 220 at Page 615 of said county deed records and the southeasterly corner of said Moore Avenue;

Thence, N 86° 01' 51" W, with the southerly line of said Moore Avenue, northerly line of said Lot 467, northerly line of vacated alley as conveyed to the President and Trustees of the Ohio University by said Volume 220 at Page 615, and northerly line of Lot 480 of said G.T. Gould's Addition as conveyed to the President and Trustees of the Ohio University by said Volume 220 at Page 615, 300.00 feet to a point being the northwesterly corner of said Lot 480 and northeasterly corner of a parcel as conveyed to Ohio University by a deed recorded in Volume 222 at Page 81 of said county deed records;

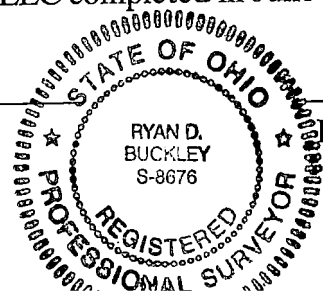
Thence, N 3° 58' 09" E, with a new division line through said Moore Avenue, 20.00 feet to the **Point of Beginning**, containing **0.138 acres (6,025 square feet)**, more or less, and being subject to all legal rights of way and easements of record.

Bearings, coordinates and distances are based on Ohio State Plane (South Zone) Grid, NAD83 (CORS 2011) datum.

All iron pins set being 5/8" 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 The Buckley Group, LLC completed in June 2017.

June 14, 2017  
Date



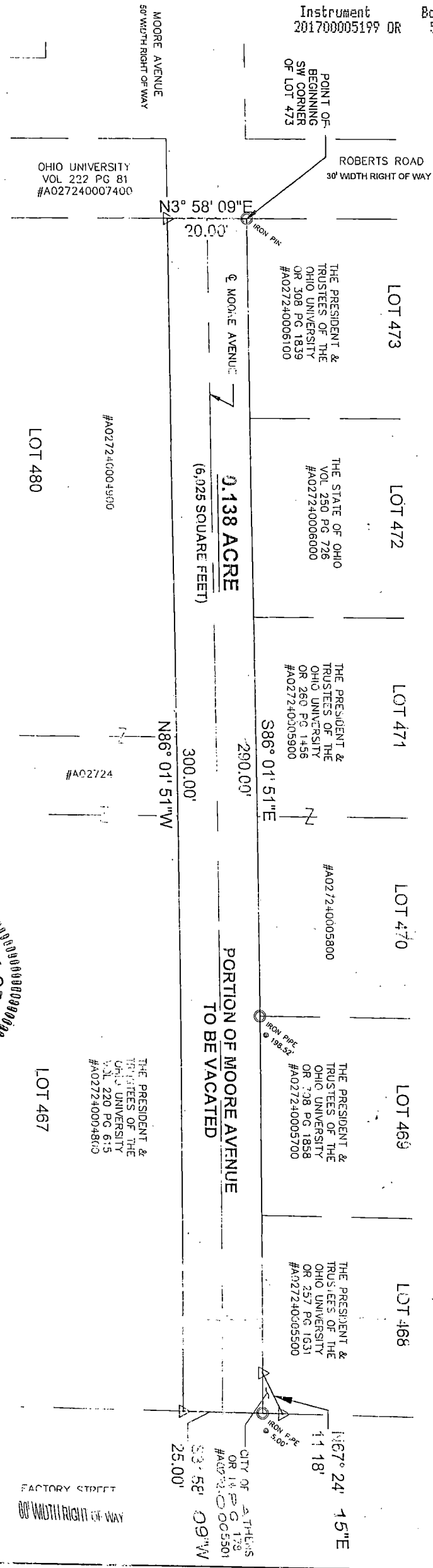
*[Handwritten Signature]*  
Ryan D. Buckley, Professional Surveyor No. 8676

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

Instrument 201700005199 DR Book Page 537 238

G.T. GOULD'S ADDITION  
ENVELOPE 90C

ATHENS COUNTY  
ATHENS TOWNSHIP  
CITY OF ATHENS  
SECTION 15  
TOWN 9, RANGE 14  
OHIO COMPANY PURCHASE  
STATE of OHIO



**LEGEND**

- - MONUMENT FOUND
- ⊙ - MONUMENT SET 5/8"x30" REBAR/CAP 04x53
- △ - POINT

Description Checked for  
Mathematical Accuracy  
Athens County  
ENGINEER'S OFFICE  
BY: *Ryan D. Buckley*  
DATE: *6/15/17*

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 4733-57 LOCAL GOVERNING REQUIREMENTS IF MORE STRINGENT, SHALL BE ADHERED TO.

0 15 30  
1 INCH = 30 FEET  
NOTE: DRAWING SCALE MAY BE ADJUSTED DUE TO REPRODUCTION

STATE OF OHIO  
REGISTERED PROFESSIONAL SURVEYOR  
RYAN D. BUCKLEY  
S-8676

RYAN D. BUCKLEY  
PROFESSIONAL SURVEYOR No. 8676  
STATE OF OHIO 06/14/17

**PLAT OF SURVEY**

SURVEYED FOR:  
OHIO UNIVERSITY - OFFICE OF LEGAL AFFAIRS  
160 WEST UNION STREET, SUITE 150  
ATHENS, OH 45701

DATE: 06/14/17  
DRAWN: RDB  
JOB NO.: 1710A3

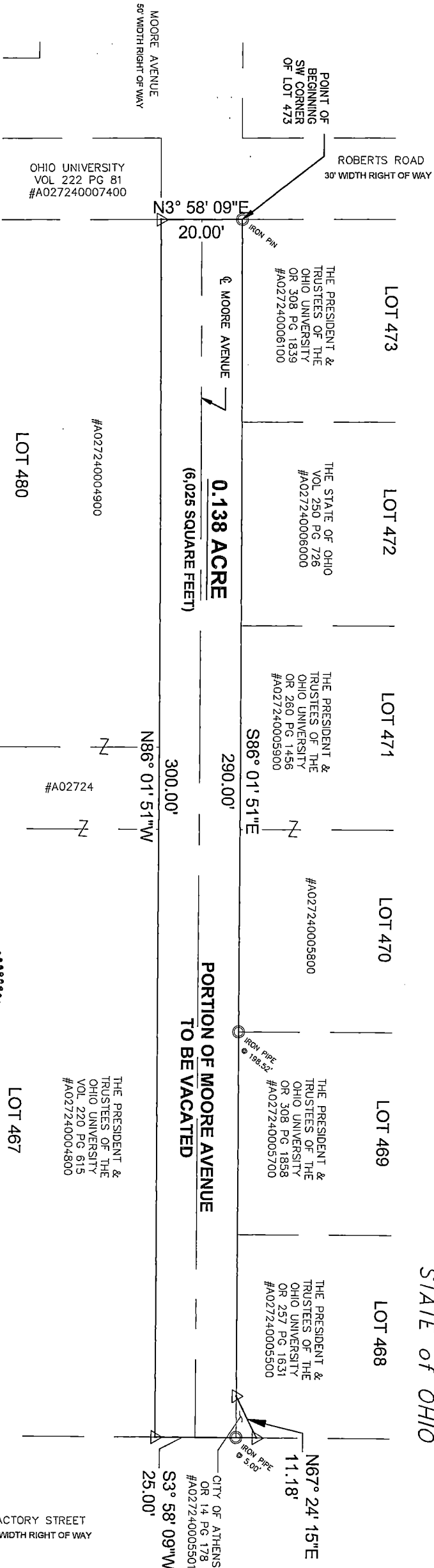
499 RICHLAND AVENUE  
ATHENS, OH 45701  
(740)589-5001  
www.buckleygroup.com

**buckleygroup**  
ENGINEERING SURVEYING PLANNING

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

G.T. GOULD'S ADDITION ENVELOPE 90C

ATHENS COUNTY ATHENS TOWNSHIP CITY OF ATHENS SECTION 15 TOWN 9, RANGE 14 OHIO COMPANY PURCHASE STATE OF OHIO

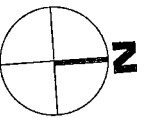


LEGEND

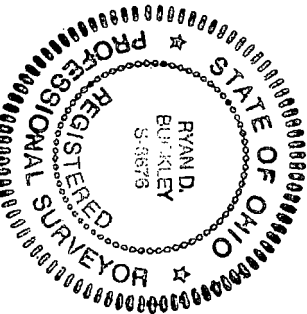
- - MONUMENT FOUND
- - MONUMENT SET
- 5/8"x30" REBAR/CAIP 04153
- △ - POINT

Description Checked for  
Mathematical Accuracy  
Athens County  
ENGINEER'S OFFICE  
BY: *Bryan D. Buckley*  
DATE: *6/15/17*

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.



0 15 30  
1 INCH = 30 FEET  
NOTE: DRAWING SCALE MAY BE ADJUSTED DUE TO REPRODUCTION



RYAN D. BUCKLEY  
PROFESSIONAL SURVEYOR No. 8676  
STATE OF OHIO 06/14/17

|                                                                                                                 |          |
|-----------------------------------------------------------------------------------------------------------------|----------|
| PLAT OF SURVEY                                                                                                  |          |
| SURVEYED FOR: OHIO UNIVERSITY - OFFICE OF LEGAL AFFAIRS<br>160 WEST UNION STREET, SUITE 150<br>ATHENS, OH 45701 |          |
| BASIS OF BEARINGS: STATE PLANE COORDINATE SYSTEM<br>OHIO SOUTH ZONE, NAD 83                                     |          |
| DATE                                                                                                            | 06/14/17 |
| DESN.                                                                                                           | RDB      |
| CHECK                                                                                                           | RDB      |
| JOB NO.                                                                                                         | 171043   |

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engineering • surveying

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