



Municipal Planning Commission  
Regular Meeting

Minutes

January 9, 2025  
4:00 PM

**VIDEO BROADCASTING/RECORDING**

The meeting videos are broadcast and published on YouTube.com  
<https://www.youtube.com/@cityofmountvernon3369>

**CALL TO ORDER**

Attendee Name	Title	Status
Matthew T. Starr	Chairman	Present
Tanner Salyers	Safety Service Director	Present
Anne Ellsworth	Member	Present
Todd Hawkins	Member	Excused
Austin Swallow	Member	Present
Eric Diehl	Alt. Member	Present
Jason West	Alt. Member	Excused

Others in attendance: City Engineer, Brian Ball; City Development Services Manager, Lacie Blankenhorn; City Law Director, P. Rob. Broeren; Shane Fillhart

**MINUTES APPROVAL**

- Municipal Planning Commission - Special Meeting - Nov 21, 2024 4:00 PM

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Tanner Salyers, Safety Service Director
<b>SECONDER:</b>	Anne Ellsworth, Member
<b>AYES:</b>	Starr, Salyers, Ellsworth, Swallow, Diehl
<b>EXCUSED:</b>	Hawkins, West

**MPC ITEMS**

- 2025-MPC-01 : Alley Vacation Petition - Kirk ST

Blankenhorn introduced the case.

Fillhart (sworn in) explained his request to vacate the property between his, on Kirk Street, and his neighbors on McKenzie Street that is platted as an alley. His request is to vacate the 16' width by 150' depth. He stated he doesn't think the utilities use it anymore because when a pole needed to be replaced, the utility entered from a different direction.

Ellsworth asked if there are 4 houses that this would impact. Fillhart said 3, further explaining he has 2 lots. Starr asked if electric is in the only utility in the platted alley. Broeren said no, there are 4 utility easements in the platted alley. Ball said there is a 12 inch sewer extending the entire length of the alley. Broeren said, in addition, there is a gas line easement, a telephone easement, and there is also an electric easement running the entire length of the alley.

Fillhart said when the electric needed to be serviced, they entered from McKenzie to replace the pole. Broeren said the electric company has not done anything to extinguish their easement. Even though they chose to do something else, they can still choose to extend the entire length of the easement.

Starr said anytime there are utilities involved they are very cautious to vacate.

There were no communications concerning the request submitted through the Development Services Manager.

Ball said the platted alley is not utilized as a road or driving surface but there is a 12" sewer main installed underground that requires continued access to it. No structures, gates, or anything could be placed on the easement area. Ball compared it to a tree lawn. The City doesn't maintain them, rather the adjoining property owner does.

Starr said access to the sewer line really worries him, if the vacation were to be approved.

Broeren voiced his concerns about the other 3 easements. The City doesn't know if there are gas lines underground or fiberoptic. There are standing concerns with vacating alleys in the past where utilities are located, further stating it is good to show caution with this request.

Blankenhorn voiced her concern with regard to Zoning. She said she often sees issues with vacated alleys where utilities are located and the property owner wants to build a fence. The City needs unfettered access to it at all times. Vacations such as this request creates a lot of issues.

Salyers cited ORC 723.041 stating public utility companies and other easement holders retain their rights to maintain, operate, remove infrastructure located in the vacated area unless explicitly relinquished by agreement. Even when a municipality vacates an alley, existing easements typically remain in effect.

Swallow asked Fillhart his reason for requesting the vacation. Fillhart said since the easement hasn't been utilized in 12 years he's owned his property and he is taking care it, he thought he would petition to have it vacated.

Ellsworth made a motion to recommend approval of the requested vacation to City Council.

<b>RESULT:</b>	<b>DISAPPROVE [0 TO 5]</b>
<b>MOVER:</b>	Anne Ellsworth, Member
<b>SECONDER:</b>	Tanner Salyers, Safety Service Director
<b>NAYS:</b>	Starr, Salyers, Ellsworth, Swallow, Diehl
<b>EXCUSED:</b>	Hawkins, West

**ADJOURN**

- Adjourn Motion

Salyers made a motion to adjourn the meeting, Swallow seconded and the meeting was adjourned at 4:25 PM

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Tanner Salyers, Safety Service Director
<b>SECONDER:</b>	Austin Swallow, Member
<b>AYES:</b>	Starr, Salyers, Ellsworth, Swallow, Diehl
<b>EXCUSED:</b>	Hawkins, West



**Municipal Planning Commission** Meeting: 01/09/25 4:00 PM  
**40 Public Square Dept: Municipal Planning Commission**  
**Mount Vernon, OH 43050**

**SCHEDULED**

Category: Lands  
 Prepared By: Lacie Blankenhorn  
 Initiator: Lacie Blankenhorn

**MPC ITEM (ID # 4160)**

**DOC ID: 4160**

**2025-MPC-01 : ALLEY VACATION PETITION - KIRK ST**

Per Codified Ordinance 1103.03 a request for alley vacation has been submitted for review by the Municipal Planning Commission.

Description of Request: Vacate the 16' x 150' portion of platted alley north of Kirk Street between East Street and S McKenzie Street, per the submitted survey.

**COMMENTS - Current Meeting:**

Blankenhorn introduced the case.

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<b>MOVER:</b>	Anne Ellsworth, Member
<b>SECONDER:</b>	Tanner Salyers, Safety Service Director
<b>NAYS:</b>	Starr, Salyers, Ellsworth, Swallow, Diehl
<b>EXCUSED:</b>	Todd Hawkins, Jason West

Date

PETITION

Presented to the Council of the City of Mount Vernon to:

Lots 380, 381, 382 (Fillhart)  
Lots 377 (Jacobs), 379 (Hunnicuttt) 378 (shared)  
The 16' x 150' Alley between Fillhart and  
the Jacobs's & Hunnicutt parcels as labeled in  
the survey from Kirk St to 150' toward Mt. Vernon Ave.

Print Name

Signature

Address

Phone

Shane Fillhart	<i>Shane Fillhart</i>	201 Kirk St.	419-701-9859
JERRY JACOBS	<i>Jerry Jacobs</i>	609 S. McKENZIE ST.	740-485-6162
Deannah Jacobs	<i>Deannah Jacobs</i>	609 S. mckenzie St.	740-485-6174
Sherry Fillhart	<i>Sherry Fillhart</i>	201 Kirk St	330-432-3365
Charles F. Hunnicutt	<i>Charles F. Hunnicutt</i>	205 Kirk St.	709-924-1841

Attachment: Vacation Petition (4160 : 2025-Mpc-01)

# Tracy & Mills, Surveyors

Thomas M. Tracy, P.S. 1941-2002  
David R. Mills, P.S. 7157  
Amy Bernicken, P.S. 8571

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6/20/2024

To Shane:

Enclosed you'll find the plat and description combining all of your property once the alley vacation is passed. As you'll see, there are blanks that need filled in. Those can either be done by hand, or you can let me know when the vacation is complete and I'll revise the documents with the vacation ordinance information.

You can use the enclosed documents for your application and communication with the city, however, this cannot be recorded as a parcel of record until the vacation ordinance is passed.

Let me know if you have any questions,



Amy Bernicken  
Ohio Surveyor #8571

Attachment: Vacation Petition (4160 : 2025-Mpc-01)

# Tracy & Mills, Surveyors

Thomas M. Tracy, P.S. 1941-2002  
David R. Mills, P.S. 7157  
Amy Bernicken, P.S. 8571

## LEGAL DESCRIPTION FOR:

Shane & Sherry Fillhart

0.440 ACRE

June, 2024

The following real estate being all of Lots 380, 381, and 382, and part of a vacated alley in Elmwood Place, City of Mount Vernon, U.S.M.L., Knox County, Ohio and being described as follows:

Commencing at a 3/4" iron pipe found at the southwest corner of Lot 380, being the intersection of the east right of way line of East Street (40') and the north right of way line of Kirk Street (50'), and being the southwest corner and beginning point of the tract herein described;

Thence along the west lines of Lots 380, 381, and 382, and the east right of way line of East Street, North 03° 58' 20" East, 150.00 feet to a 5/8" iron pin found at the southwest corner of Lot 383 (Jessica Davis, D.V. 1136, Pg. 9);

Thence along the south line of Lot 383 and the extension thereof, South 86° 00' 00" East, 127.71 feet to a 5/8" iron pin set in the centerline of a 16-foot alley;

Thence along the centerline of a vacated portion of said 16-foot alley (Vacated by \_\_\_\_\_), South 03° 57' 33" West, passing through a 5/8" iron pin set at 75.00 feet, a total distance of 150.00 feet to a 5/8" iron pin set in the north right of way line of Kirk Street;

Thence along the north right of way line of Kirk Street and the south line of Lot 380, North 86° 00' 00" West, passing through a 5/8" iron pin found at the southeast corner of Lot 380 at 8.00 feet, a total distance of 127.74 feet to the point of beginning, containing 0.440 acre, as surveyed in June, 2024 by Tracy & Mills, Surveyors, 10 E. Vine Street, Mount Vernon, Ohio, Amy Bernicken, Ohio Professional Surveyor #8571.

North based on the north line of Kirk Street per Survey Volume N, Page 771.

Note: Iron pins set are 5/8" x 30" rebar with plastic cap stamped Tracy & Mills.

10 East Vine Street • PO Box 642 • Mount Vernon, Ohio 43050 • 740-397-8324 • Fax 740-397-5910

Attachment: Vacation Petition (4160 : 2025-Mpc-01)

# Tracy & Mills, Surveyors

Thomas M. Tracy, P.S. 1941-2002  
David R. Mills, P.S. 7157  
Amy Bernicken, P.S. 8571

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All of Parcel Numbers 66-01332.000 and 66-01334.000.

Deed Volume 1978, Page 157.



Amy Bernicken, Surveyor No. 8571  
Date: June 14, 2024



Attachment: Vacation Petition (4160 : 2025-Mpc-01)

# TRACY & MILLS, SURVEYORS

DAVID R. MILLS, PS  
SURVEYOR #7157

10 East Vine Street - P.O. Box 642  
Mount Vernon, Ohio 43050  
Tel.: 740-397-8324 Fax: 740-397-5910  
tracyandmills@aol.com

FLOYD W. BARNES, PS  
1921-2018

AMY BERNICKEN, PS  
SURVEYOR #8571

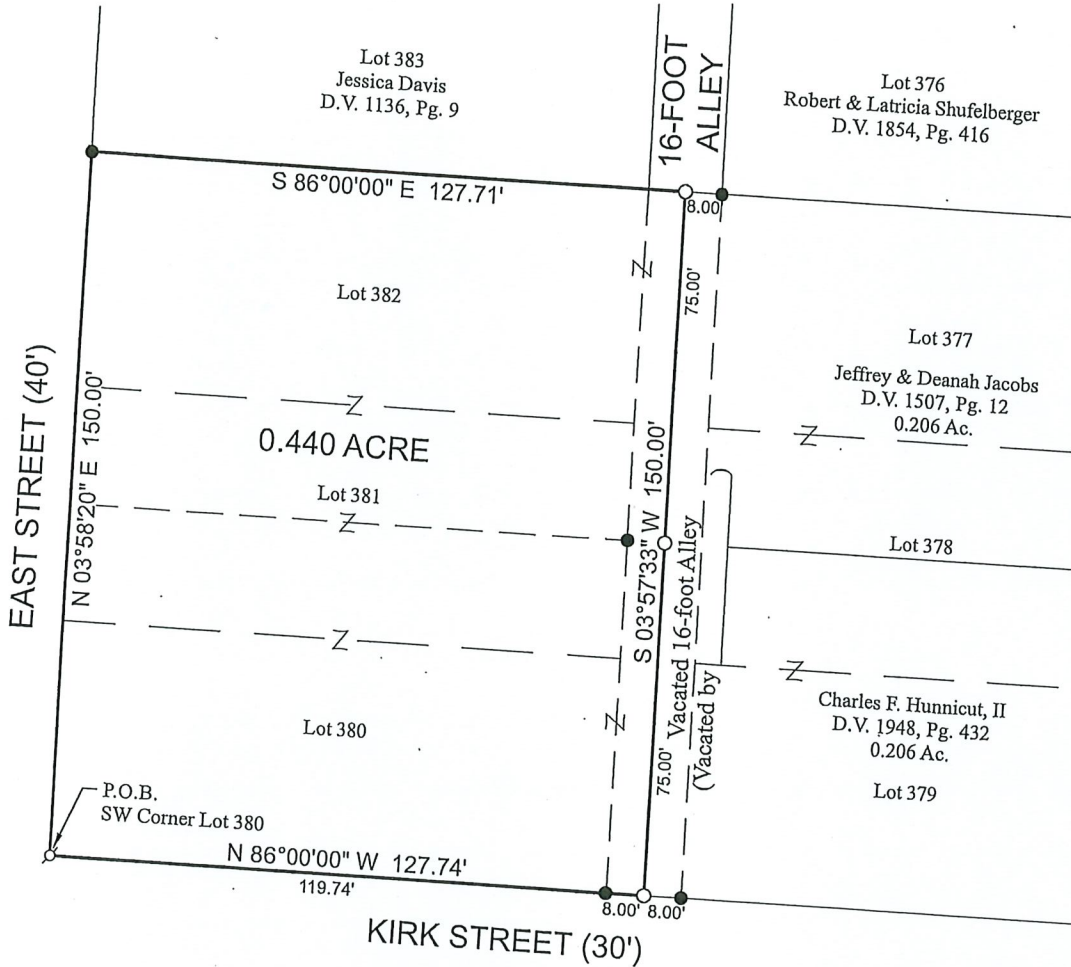
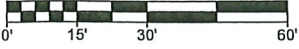
THOMAS M. TRACY, PS  
1941-2002

SURVEY FOR: **Shane & Sherry Fillhart, Deed Volume 1978, Page 157**

LOCATION: **Being all of Lots 380, 381, and 382, and part of a vacated alley in Elmwood Place,  
City of Mount Vernon, U.S.M.L., Knox County, Ohio**

Date: June 14, 2024  
Scale: 1" = 30'

PARCEL # 66-01332.000  
66-01334.000



- Iron Pin Set (5/8" x 30")  
Capped "Tracy & Mills"
- 5/8" Iron Pin Found
- ∅ 3/4" Iron Pipe Found

North based on the north line  
of Kirk Street per Survey  
Volume N, Page 771.

CERTIFICATION: We hereby certify that the foregoing survey was prepared from actual field measurements, in accordance with Chapter 4733-37, Ohio Administrative Code.

David R. Mills, Surveyor No. 7157  
Amy Bernicken, Surveyor No. 8571

Attachment: Vacation Petition (4160 : 2025-Mpc-01)

## City of Mount Vernon Procedure for Street or Alley Vacation

1. Submission of a petition asking for vacation signed by property owners (husband and wife need to sign separately including their address). The completed petition should be returned to the Clerk of Council's Office, 40 Public Square, 740-393-9517 with the following information:
  - a. Description of the property to be vacated on the petition. Provide as much information as possible.
  - b. A survey outlining the area to be vacated (include the dimensions of the vacation).
  - c. Provide the plat book number and page number, the subdivision name, of the property.
  - d. Provide a list of all property owners surrounding the vacation including the properties across the streets and alleys.
  - e. \$50.00 filing fee, any costs incurred over this amount are billed to the to the petitioner.
2. Once submitted to the Clerk of Council the petition is read at the next regular Council meeting where it is referred to the Chair of the Street Committee.
3. The petition may be referred to the Planning Commission for their review.
4. If all the property owners directly abutting the vacation have signed the petition, legislation can be prepared for the next Council meeting for action.

If all the abutting property owners have not signed the petition, then public notice must be advertised in a newspaper of general circulation on six (6) consecutive occasions (published for six weeks). Once the six publications are complete the request is placed in legislative form, either an ordinance to accept the vacation or a resolution to reject the vacation.

5. Once the legislation is prepared for Council, it may receive up to three (3) separate readings. If the legislation accepts the vacation, then the City will record the appropriate documentation with the Knox County Recorder. If the vacation is rejected, then no further action is taken.

//rb 04/27/2009