



Municipal Planning Commission

March 11, 2021

Regular Meeting

Minutes

4:00 PM

ZOOM TELECONFERENCE

Join Zoom Meeting

<https://us02web.zoom.us/j/83127667443>

Dial by phone: +1 929 205 6099

Meeting ID: **831 2766 7443**

Passcode: **485303**

If you want to provide input to the Commission, you will need to be sworn in by stating the following:

My name is _____. My address is _____.

I affirm that my testimony is truthful, to the best of my knowledge and ability, so help me God or under penalty of perjury.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Matthew T. Starr	Chairman	Excused	
Austin Swallow	Member	Remote	
Robert Drews	Member	Excused	
Jeffrey Scott Ulery	Member	Late	4:04 PM
Richard Dzik	Member	Remote	
Eric Diehl	Alt. Member	Remote	
Todd Hawkins	Alt. Member	Remote	

Others in attendance: Brian Ball, City Engineer; Lacie Blankenhorn, City Development Services Manager; P. Rob. Broeren, City Law Director; Bill Pursel; Bryan Wolf

MPC ITEMS

- 2021-MPC-03 : Kirk ST (Platted, Undeveloped) - Vacate

Development Services Manager, Lacie Blankenhorn, introduced the case to be heard: 2021-MPC-03 Kirk ST is platted, but undeveloped. A request to vacate has been received. A petition requesting vacation of a portion of (undeveloped) Kirk ST in the Elmwood Place Subdivision has been submitted to City Council and referred to the Municipal Planning Commission for review.

MPC Member Jeff Ulrey joined at 4:04PM.

Bill Pursel (sworn in) explained the church's (property owner) request to vacate the undeveloped portion of Kirk ST. The area was platted in 1906. Kirk ST was original named Elmwood AVE. Mr. Pursel described the congested area of Kirk ST where it intersects Newark Road near Martinsburg Road and said opening Kirk ST to Division ST would add to the congestion. He doesn't think the residents of Kirk ST would support it being opened, creating a through street. He feels the Planning Commission would be doing everyone involved a favor by vacating the undeveloped street. Lifepoint Church owns the property on both sides of the undeveloped street. The church is requesting the vacation to ensure that in the future the City wouldn't seek to develop the street, essentially splitting their property in two.

Mr. Dzik asked what the churches plan is to develop the site. Mr. Pursel said they plan to build a church on the area labeled #2 (south of Kirk ST) on aerial image provided. Area #1 will likely be parking. It is in a flood plain. There is more elevation in area #2.

Brian Ball pointed out that there is a high-pressure transmission gas line within the right of way of Kirk ST. Even if the right of way is vacated, they will have an automatic 50' easement (25' on either side of the gas line). Mr. Pursel is aware of that. Mr. Pursel said there is also a 50' right of way crossing the property for a power line.

Mr. Ball said the City will not extend any City Utilities through the area if it is vacated. The property owner(s) will be solely responsible for extending City Utilities - water, wastewater, stormwater. Mr. Pursel said they are aware of that.

Mr. Swallow asked Mr. Ball where the City's responsibility would end concerning utilities, where would they tap in. Mr. Ball said the waterline was replaced up to the building labeled #3 (aka bowling alley) with a T available to them at Kirk ST. The sanitary would need to be looked at because of the low elevation of the property. The sewage may need to be pumped out. Mr. Pursel said their research has shown sewage will connect along Mount Vernon AVE. Mr. Pursel said he spoke with Mr. Ball at the time the new waterline was being installed, knowing the plan was to build the church nearby, and is with the understanding that the line is large enough for the church to connect to.

The City Utilities map was displayed and discussed, showing the location of the 8" waterline on Kirk ST and the sanitary line on Mount Vernon AVE.

There were no further questions from the Commission.

Development Services Manager, Lacie Blankenhorn, read into the record an email submission she received. Brian and Lacie, Thanks for bringing this to our attention. Columbia Gas Transmission pipeline L2102 follows the route of Kirk Street, including the section proposed for vacation. We do not have private easements in our records for the section of Kirk Street proposed for vacation, so our assumption is that the pipeline was installed within the right of way of Kirk Street. Columbia Gas Transmission does not object to the vacation, but would like to have it documented that according to ORC 723.041 pipelines and other utilities that are located within a public road are deemed to have a permanent easement in the vacated portion for the purposes of maintaining, operating, renewing, reconstructing and removing said utility facilities and for purposes of access to said facilities. Columbia needs a minimum of 25 feet on each side of the pipeline to conduct the aforesaid activities. Thanks, Jim Scott Land Representative - Columbia Gas Transmission TC Energy - US Land Services East

There was no other correspondence to the DSM. There was no one else present to speak for or against the request.

Mr. Swallow made a motion to recommend vacation of the undeveloped portion of Kirk ST as presented. Mr. Diehl seconded the motion.

Mr. Dzik stated that it sounds like the church understands they will still have easement restrictions with the gas utility. By vacating the City is giving up the right to build a continuing street through this area or utilities. He does agree with Mr. Pursel that the intersection of Kirk ST and Newark RD is not ideal for adding any more traffic to it. He sees this as a positive.

Mrs. Blankenhorn clarified the Commission is not voting to vacate, but rather voting to recommend to Council that it be vacated.

RESULT:	RECOMMEND [UNANIMOUS]
AYES:	Swallow, Ulery, Dzik, Diehl, Hawkins
EXCUSED:	Starr, Drews

ADJOURN AT THE CALL OF THE CHAIRMAN



Municipal Planning Commission
40 Public Square
Mount Vernon, OH 43050

Meeting: 03/11/21 4:00 PM

Dept: Municipal Planning Commission

SCHEDULED

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

MPC ITEM (ID # 2295)

DOC ID: 2295

2021-MPC-03 : KIRK ST (PLATTED, UNDEVELOPED) - VACATE

A petition requesting vacation of a portion of (undeveloped) Kirk ST in the Elmwood Place Subdivision has been submitted to City Council and referred to the Municipal Planning Commission for review.

COMMENTS - Current Meeting:

Development Services Manager, Lacie Blankenhorn, introduced the case to be heard: 2021-MPC-03 Kirk ST is platted, but undeveloped. A request to vacate has been received. A petition requesting vacation of a portion of (undeveloped) Kirk ST in the Elmwood Place Subdivision has been submitted to City Council and referred to the Municipal Planning Commission for review.

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AYES:	Swallow, Ulery, Dzik, Diehl, Hawkins
EXCUSED:	Matthew T. Starr, Robert Drews



110 EAST VINE STREET
MOUNT VERNON, OH 43050
INFO@LIFEPOINTMV.COM

RECEIVED
FEB 19 2021
BY:

To the Honorable Council of the City of Mount Vernon
40 Public Square
Mount Vernon, OH 43050

RE: Vacating an undeveloped portion of Kirk Street (formerly known as Elmwood Avenue)

Dear Friends,

On June 20, 1906 at 3:35 p.m., Recorder Charles Snow entered into public record the Plat Map for Elmwood Place which was laid out by the Elwood Realty Company. Elmwood Place was located in Clinton Township with Division Street as the eastern border. Vernon Avenue (now Mount Vernon Avenue) ended at Division Street. Elmwood Avenue, also, ended at Division Street.

Sometime between 1940 and 1960, Elmwood Avenue became known as Kirk Street, expanded from 30' to 50' wide, and improved from Newark Road to approximately 160 feet beyond South McKenzie Street. It is assumed that utilities to new properties required the improvement. There is a portion of Kirk Street that never was improved. It is, therefore, the request that a part of this non-improved portion of Kirk Street that lies between the two properties of Lifepoint Church Mount Vernon be vacated.

We submit this request to you for your consideration.

All questions should be addressed to:
Pastor Bryan Wolf, Executive Pastor for Lifepoint Mount Vernon Church
110 East Vine Street
Mount Vernon, OH 43050
(740) 485-6032 bryan@lifepointmv.com

Sincerely,

William B. Pursel
Church member

Attachment: Request - Alley Vacation - Kirk Street (2295 : 2021-Mpc-03)

CITY OF MOUNT VERNON
PROCEDURE FOR STREET VACATION

Petition Page 1 of 3 pages

Mount Vernon, Ohio

Date: 2/19/2021

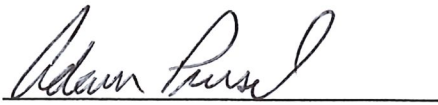
To the Honorable Council of the City of Mount Vernon, Ohio:

We, the undersigned property owners, owning three properties:

- Lifepoint Church Mount Vernon owning properties on Mount Vernon Avenue (Parcel 66-09113.000);
- Lifepoint Church Mount Vernon on 0 South Division Street (Parcel 66-09313.000) and
- Owner: 110 Mount Vernon Ave. Ltd. on 110 Mount Vernon Avenue (Parcel 66-09388.001),

Respectfully petition your honorable body to pass the necessary legislation to vacate:

The vacated, undeveloped portion of Kirk Street starting from Division Street intersection to the western most edge of Parcel 66-09313.000. This portion is in Elmwood Place Subdivision, City of Mount Vernon, Ohio and containing .650 acres more or less. Description aka Exhibit A and maps are attached.


Date: 2/19/2021

Adam Pursel
 Lifepoint Church Mount Vernon
 (Parcels 66-09113.000 & 66-09388.000)
 17615 New Gambier Road
 Mount Vernon, OH 43050


Date: 2/19/2021

Timothy E. Carper
 Owner: 110 Mount Vernon Ave. Ltd (Parcel 66-09388.000)
 110 Mount Vernon Avenue
 Mount Vernon, OH 43050

Attachment: Request - Alley Vacation - Kirk Street (2295 : 2021-Mpc-03)

EXHIBIT A
Description of the portion of Kirk Street to be vacated
Part of Elmwood Place Subdivision

The portion of Kirk Street to be vacated (50 feet by 579.48 feet = .650 acres) is surrounding by the following properties: 66-09113.00 & 66-09313.000 owned by Lifepoint Church Mount Vernon and 66-09388.001 owned by 110 Mount Vernon Ave. Ltd.

The portion of Kirk Street to be vacated begins at the intersection of Kirk Street and Division Street. At the northeast corner of parcel 66-09313.000 (Parcel #2) and following the north borderline west to the northwest corner of this same parcel 579.48 feet, thence go 50 feet north to the south borderline of parcel 66-09388.001 (Parcel #3), thence go 579.48 feet east to the southeast corner of parcel 66-09113.000 (Parcel #1) to Division Street.

DESCRIPTION OF PROPERTIES:

Parcel 66-09113.000 is marked as #1 on the map.

Legal Description: PT Elmwood Place Vacated Street and Alley 5.014 AC

This parcel has a never developed portion of Kirk Street for the north border, the property of Harry H. and Julie M. Hurt for the west border and Division Street as its east border.

Parcel 66-09313.000 is marked as #2 on the map.

Legal Description: PT Vacated Lots, Street & Alley 5.926 AC

This parcel has Mount Vernon Avenue as its north border, Division Street as its east border, and parcel 66-09388.001 as its west border and the never developed portion of Kirk Street for the south border.

Parcel 66-09388.001 is marked as #3 on the map.

Legal Description: All of Lots 295 thru 303 & PT of Lots 286 thru 294 2.481 AC

On the southeast corner of this parcel, approximately 49.39 feet of the never developed Kirk Street is requested to be vacated.

