



Municipal Planning Commission

July 8, 2021

Regular Meeting

Agenda

4:00 PM

CALL TO ORDER

MPC ITEMS

- 2020-MPC-09 : Poplar Street - Vacate 336' X 70' Platted, Undeveloped Portion

ADJOURN AT THE CALL OF THE CHARIMAN



Municipal Planning Commission
40 Public Square
Mount Vernon, OH 43050

Meeting: 07/08/21 4:00 PM

Dept: Municipal Planning Commission

SCHEDULED

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

MPC ITEM (ID # 2148)

DOC ID: 2148

2020-MPC-09 : POPLAR STREET - VACATE 336' X 70' PLATTED, UNDEVELOPED PORTION

Description of Request: A petition to vacate a 36.08' x 70' section of platted, undeveloped Poplar Street was submitted to City Council. City Council, Streets Committee Chair, Julia Warga, referred this request to the MPC for review and a recommendation.

Per Codified Ordinance 1155.03(d)(1) the Planning Commission shall review proposed amendments to the Zoning District Map and make recommendations to Council.

UPDATE: Survey added for 5/13/2021 Meeting

HISTORY:

07/09/20

Municipal Planning Commission TABLE

Next: 05/13/21

John Burns (sworn in) explained his request to have 70 feet of the end of platted but undeveloped Poplar Street vacated. He would like to possibly build a garage on the property labeled as 56 Poplar Street and to potentially cut down on the transient activities of the homeless. They aren't sure what they can do with the property.

Mr. Broeren asked Mr. Burns if he provided a legal description of what he would like to have vacated. He had not.

Mr. Starr asked about the 6 signatures that were submitted and if anyone else needed to be notified. Mr. Burns had dropped off 2 more signatures prior to the meeting.

Mr. Hillier asked Mr. Ball if there is a drainage ditch and a manhole in the area to be vacated. Mr. Ball said there is a drainage ditch that follows the existing right of way and there is a smaller stream that goes across Mr. Burns' newly acquired property (56 Poplar ST) - which is where the platted alley and Poplar Street meet. The manhole is not in the area requested to be vacated.

Mr. Broeren said we don't know exactly what he is requesting without a legal description.

Mr. Swallow moved to table the request and Mr. Drews seconded it. Mr. Burns was instructed to work with Brian and Lacie in the Engineering Office to obtain what is needed.

Mr. Drews asked about Mr. Burns' motivation behind the request and also would like more information about what is happening with the homeless activity.

The vote was AIF to table the request.

05/13/21 Municipal Planning Commission TABLE

Next: 06/10/21

Mr. Burns was not in attendance. The Commission opted to table the request until he is available to participate in the discussion.

Motion to table by Mr. Swallow; Mr. Drews seconded; voting: AIF.

06/10/21 Municipal Planning Commission TABLE

Next: 07/08/21

Development Services Manager, Lacie Blankenhorn introduced the first case on the agenda: 2020-MPC-09: Poplar ST, a request to vacate a 36.08' x 70' section of platted, undeveloped Poplar ST was submitted to City Council. City Council, Streets Committee Chair, Julia Warga, referred this request to the MPC for review and recommendation. There was an MPC meeting last year where it was determined a survey was needed. The applicant obtained and submitted the survey.

There was a technical problem preventing the Commission from hearing Mr. Burns via his log in to the Zoom meeting. His case was moved to the end of the meeting where the conference phone was used to call him and broadcast to the commission instead of using Zoom.

John Burns (sworn in) explained he owns the property on both sides of (undeveloped) Poplar ST and he would like to have the survey's portion vacated. He has been taking care of the land for 30 years. He wants to be able to do something with the lot on the east. He's hoping to turn it into a building lot. He mentioned turning something into a duplex and the vacation would help achieve the required setbacks. It was unclear what he has thought about turning into a duplex, perhaps the home at 20 Ash ST, although it is zoned R-1. He said for as long as he has lived there, no one has used the alley. There were problems with the homeless. He cleaned up the land and that seemed to correct some of it.

City Engineer, Brian Ball, asked if Mr. Burns is aware that nearly 100% of the back lot is in a floodplain. Mr. Burns said no, he was not aware of that. Mr. Ball explained part of the lot is in the Floodway and part of the lot is in the AE Floodzone. Mr. Burns asked if he could still build in that area. Mr. Ball said Mr. Burns would have to mitigate the Floodplain in order to build on the lot. The structure would have to be raised above the floodplain in order to build.

Mr. Burns mentioned a pipe that comes off of the developed portion of Poplar ST.

Mr. Dzik explained to Mr. Burns, after his mention of a duplex conversion, that the property he owns is zoned R-1. There would have to be a rezoning process before a duplex could be created. Mr. Burns said he understands.

Mr. Swallow asked Mr. Burns if he heard him say he wanted both Poplar ST and the alley vacated in this request. Mr. Burns said no, just Poplar ST as presented in the survey.

Mr. Ball asked if the request is granted, would the entire section be attached to the parcel ending in 9.001 or how will that parcel have legal access to the public ROW.

City Law Director, P. Rob. Broeren, said approving the vacation causes a problem. Mr. Ball said it depends on where the property is in the original plat. A lot combination would likely be needed. Mr. Ball explained the parcel #66-09399.001, that is in the floodplain, currently has legal access by way of Poplar ST. Depending on there it is in the original plat, vacating would

split the section in question. Half would go to the property with Mr. Burns' house and half would go with the back lot. If it's the edge of the plat then potentially all of the property would go with Mr. Burn's house and then that would cause no legal access to the east property. An additional step would be needed to do a lot combination to put marry all of the properties owned by Mr. Burns. Otherwise a landlocked parcel is created.

Mr. Broeren said there are a number of utilities that haven't been addressed. There are utilities in the area. That will greatly impact what he can or can't do with the property.

Mr. Dzik asked Mr. Ball to walk the Commission through the area utilities including runoff.

Mr. Ball said just north of the requested vacation, there is a stormwater discharge from Poplar ST. There is a stormwater discharge from the alley. Both of those go through a ditch that becomes part of a larger ditch on Mr. Burns' back lot that then connects to Center Run. Mr. Burns would not be allowed to fill in either of those ditches for future construction. Mr. Broeren asked if the City would reserve a utility easement down the center of Poplar should the request be granted. Mr. Ball does not think a storm sewer pipe goes through the section of land requested to be vacated. Mr. Ball doesn't think there is a reserved utility easement. Mr. Ball said if the ditcher were to be blocked it could cause flooding in the neighborhood. It is a reasonable idea to have an easement for the watercourse.

Mr. Broeren suggested moving the decision to a date certain or table to allow it to be brought back at a later time. He believes there are a number of questions. He doesn't think the application has provided enough information for the Commission to make a decision.

It sounded like Mr. Burns said he put a culvert in one of the aforementioned ditches. There was a Street Opening Permit issued for that. Mr. Ball said Mr. Burns did not have permission to widen the creek and clear the trees.

Mr. Dzik made a motion to continue the request until July 8, 2021 so that additional details can be worked out. Mr. Swallow seconded the motion, with the caveat that all loose ends be tied up and presented so that a decision can be made.

Petition Page 1 of 5 Pages

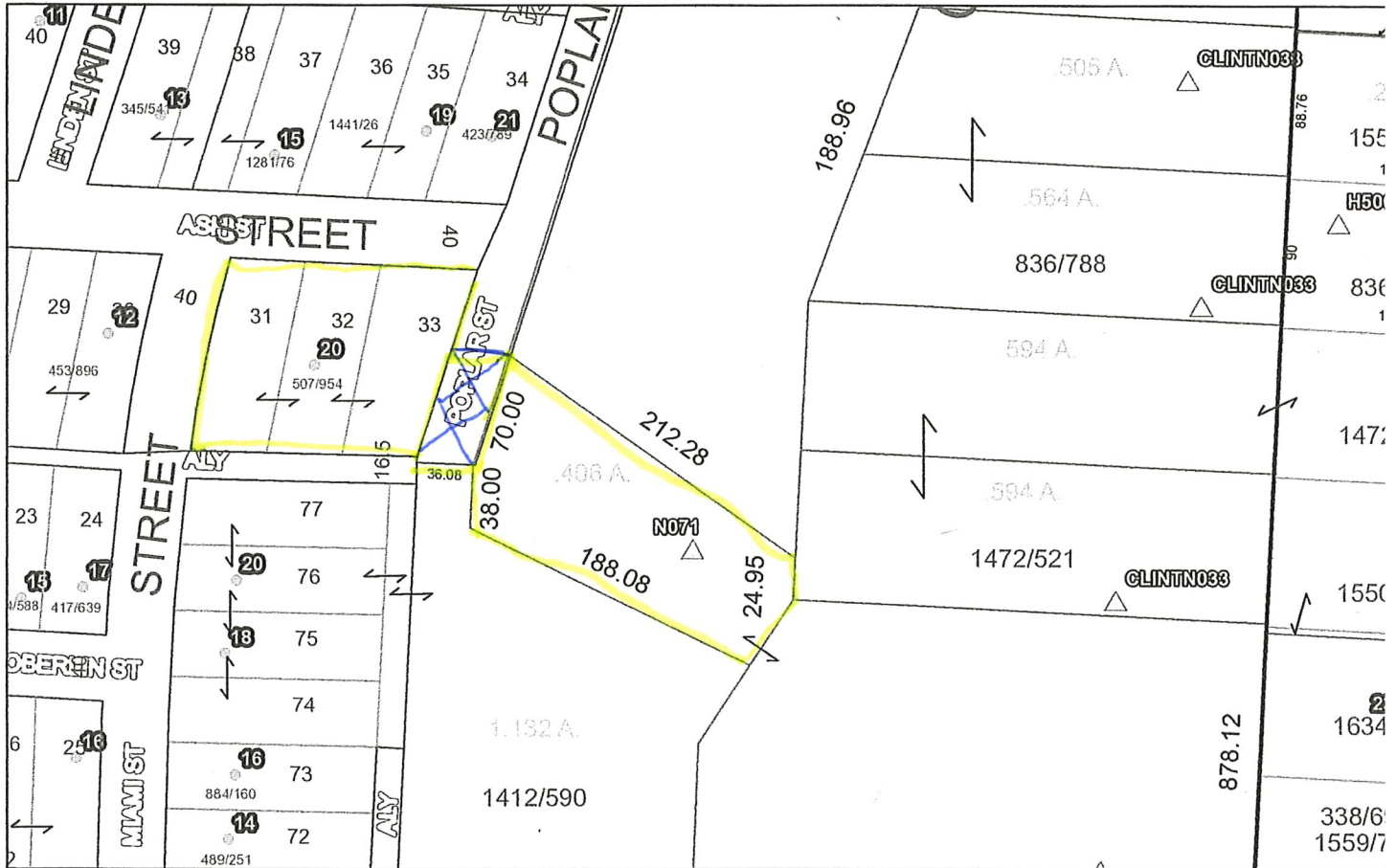
Mount Vernon, Ohio

Date: 5-14-2020

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

We, the undersigned property owners, owning property on (address) 20 ASH ST, 0 MIAMI ST.
 Respectfully petition your honorable body to pass the necessary legislation to _____

Name	Address	Phone
1. JOHN BURNS	20 ASH ST	740-501-3157
2. John B. 2	5-14-2020	
3. Lynda Gamates	20 ASH ST	740 208-8434
4. Lynda Gamates	5-14-2020	
5. Debra Canoy	20 Ash St.	503-979-9210
6. Debra Canoy	5-14-2020	
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September 7, 2019

0 45 90 180 ft
0 12.5 25 50 m
1:1,000
Knox County, OH; Bruce Harris & Associates

Copyright 2017 Knox County, Ohio and Bruce Harris and Associates

ALY 36.08' X 70' TO BE CLOSED

Attachment: 2020-MPC-09 Application Packet (2148 : 2020-Mpc-09)

TRANSFERRED
SEE SEC. 319.54, 4.50
SEC. 319.202 R.C. COMPLIED WITH

MAR 13 2020

JONETTE CURRY
KNOX COUNTY, OHIO
NO 459 BY SH



Doc ID: 003990280003 Type: OFF
Kind: DEED
Recorded: 03/13/2020 at 12:57:35 PM
Fee Amt: \$42.00 Page 1 of 3
Knox Ohio
John Lybarger County Recorder
File# 2020-00002005

BK 1768 PG 134-136

WARRANTY DEED - SURVIVORSHIP
Semi-Clever Software, Ltd.

Know all Men by these Presents

That Kimberly N. Jennings, nka Kimberly N. Thomas, Married, for valuable consideration paid, hereby grants, bargains, sells, and conveys, with General Warranty Covenants, to John Burns, Single, and Debra Canoy, Single, and Linda Gonzales, Single, for their joint lives, remainder to the survivor of them, whose tax mailing address is: 20 Ash Street, Mount Vernon, Ohio 43050, the following real property, situated in the City of Mount Vernon, County of Knox, and State of Ohio, to-wit:

Being situated in Quarter Township 1, Township 6, Range 13, United States Military Lands, Clinton Township, City of Mount Vernon, Knox County, State of Ohio and being part of that land of record in Deed Volume 276, Page 595, in the Knox County Recorder's Office and being more particularly described as follows:

Beginning at a stone found at the southeast corner of Fairfax Addition as recorded in Plat Cabinet A, Slot 100, in the Knox County Recorders Office;

thence from the place of beginning North 17 deg. 37' 52" East along the east line of Poplar Street a distance of 70.00 feet to a 3/4 inch iron pipe set;

thence South 54 deg. 32' 37" East a distance of 212.28 feet to a 3/4 inch iron pipe set;

thence South 02 deg. 57' 19" West along the westerly boundary of Armond Jules and Marilyn Bernard (D.V. 362, P. 606) a distance of 24.95 feet to an iron pipe found;

thence South 33 deg. 19' 50" West a distance of 47.44 feet to an iron pipe found;

Deed - Jennings to Burns, Canoy, and Gonzales - Page 2

thence North 63 deg. 48' 00" West along the northerly boundary of Willis V. and Helen L. Wolfe (D.V. 362, P. 379) a distance of 188.08 feet to an iron pipe found;

thence North 03 deg. 00' 10" East along the easterly boundary of said Wolfe a distance of 38.00 feet to the place of beginning – containing 0.406 acres, more or less.

The above tract of land was surveyed by me, Samuel W. Vance, Registered Surveyor No. 6553 in August 1995. Bearing basis from Survey File 33. All pins set are 3/4 inch by 30 inch iron pipe with plastic cap stamped "Vance 6553".

Parcel Number: 66-09399-001

DESCRIPTION
APPROVED
CAMERON KEATON
KNOX COUNTY ENGINEER



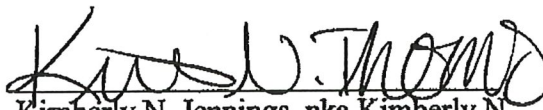
Subject to building restrictions, zoning restrictions, leases and easements of record, taxes and assessments which are a lien, and determination by the Tax Map Department of the Knox County Engineer's Office and the Knox County Regional Planning Commission.

Taxes shall be pro-rated to the date of closing.

Prior Instrument Reference: Official Record Volume 1423, Page 784.

Levi Thomas, Husband of Grantor Kimberly N. Jennings, nka Kimberly N. Thomas, hereby releases all rights of dower in the above described real property.

Executed this 12 day of March, 2020.


Kimberly N. Jennings, nka Kimberly N.
Thomas

Levi Thomas

Deed - Jennings to Burns, Canoy, and Gonzales - Page 3

State of Ohio

ss.

Knox County

Before me, a Notary Public in and for the County and State aforesaid, personally appeared the above named Kimberly N. Jennings, nka Kimberly N. Thomas, and Levi Thomas who acknowledged that they did sign the foregoing instrument, and that the same is their free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at Mount Vernon, Ohio this 12th day of March, 2020.



PAUL S BROWN
Notary Public
In and for the State of Ohio
My Commission Expires
October 12, 2020


Notary Public

This Instrument Prepared By: Kenneth E. Lane, Attorney at Law, Mount Vernon, Ohio

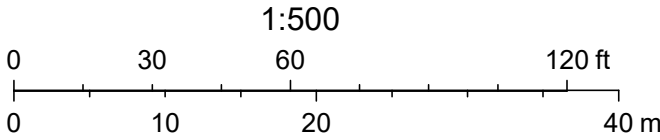
Attachment: 2020-MPC-09 Application Packet (2148 : 2020-Mpc-09)

20 Ash Street

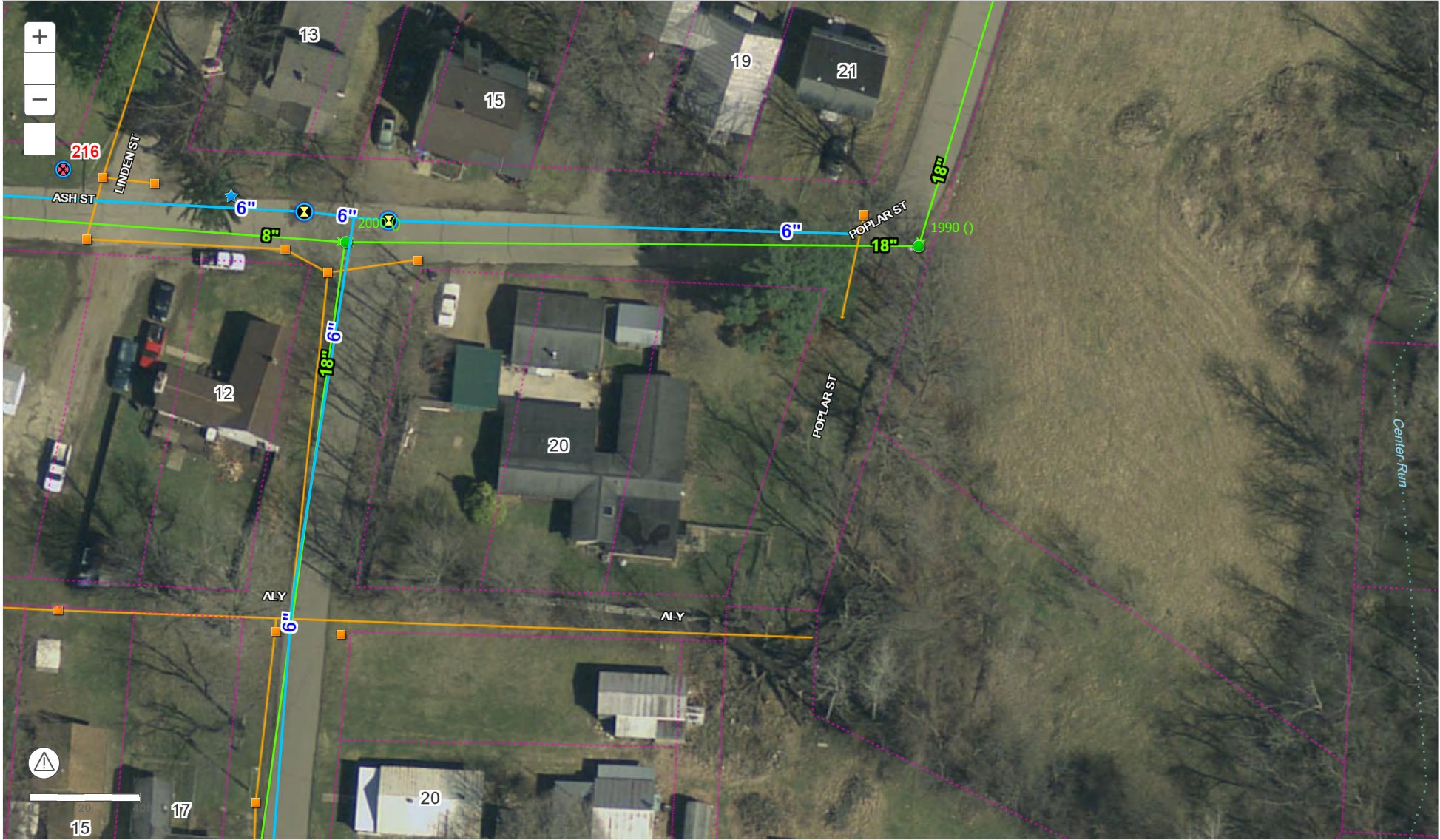


June 26, 2020

- Search Results
- State Route
- US Route
- Survey Points
- Centerline
- Township Road
- Address Points
- County Road



Knox County, OH; Bruce Harris & Associates



Attachment: All City Utilities Aerial (2148 : 2020-Mpc-09)

VANCE SURVEYING LTD.

15071 HYATT ROAD

MOUNT VERNON, OHIO 43050

PH. (740) 397-6296

FAX (740) 397-6032

vancesurveying@gmail.com

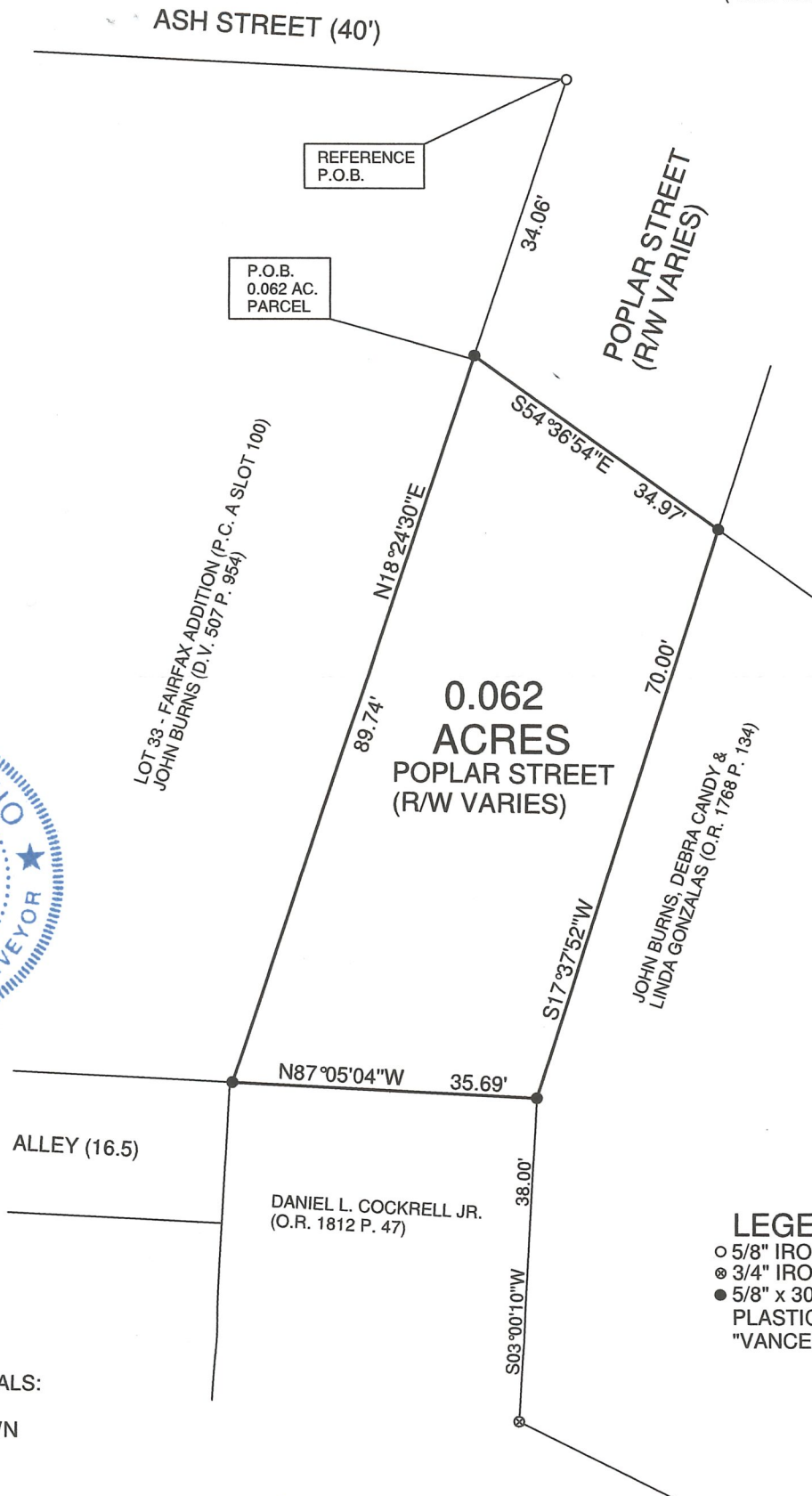
2.1.d

SURVEY FOR
JOHN BURNS
RANGE 13W, TOWNSHIP 6N, QUARTER TOWNSHIP 1, USML,
CITY OF MOUNT VERNON, KNOX COUNTY, STATE OF OHIO

SCALE: 1" = 20'
0' 10' 20' 40'



BEARING BASIS: OHIO STATE PLANE
COORDINATE SYSTEM, NORTH ZONE
AND NORTH AMERICAN DATUM OF 1983
(NSRS 2007)



REFERENCE MATERIALS:
KNOX COUNTY GIS
ALL DEEDS AS SHOWN
SURVEY N-071
SURVEY FILE 33
SURVEY FILE 79

LEGEND

- 5/8" IRON PIN FOUND
- ⊗ 3/4" IRON PIPE FOUND
- 5/8" x 30" IRON PIN SET W/
PLASTIC CAP STAMPED
"VANCE 7922"

CERTIFICATION: WE HEREBY CERTIFY THAT THE FOREGOING SURVEY WAS PREPARED
FROM ACTUAL FIELD MEASUREMENTS, IN ACCORDANCE WITH CHAPTER 4733-37, OHI
ADMINISTRATIVE CODE.

Samuel R. Vance

SAMUEL R. VANCE
REGISTERED SURVEYOR NO. 7922

APRIL 2 2024

DRAWN BY: SRV

Packet Pg. 12

Attachment: Survey - Poplar ST requested vacation (2148 : 2020-Mpc-09)

VANCE SURVEYING**15071 HYATT ROAD
MOUNT VERNON, OHIO 43050****PH. (740)397-6296****FAX (740) 397-6032**

0.062 ACRES

Being situated in Range thirteen (13) West, Township six (6) North, Quarter Township one (1), United States Military Lands, City of Mount Vernon, Knox County, State of Ohio. Being part of Poplar Street in City of Mount Vernon and being more particularly described as follows;

Beginning for reference at a 5/8 inch iron pin found at the northeast corner of Lot 33- Fairfax Addition (Plat Cabinet A Slot 100), also being the intersection of the south line of Ash Street (40' R/W) and the west line of Poplar Street (R/W varies); thence South 18 degrees 24 minutes 30 seconds West along the west line of Poplar Street, the east line of Lot 33 – Fairfax Addition, a distance of 34.06 feet to a 5/8 inch iron pin set and being the true place of beginning;

Thence from the true place of beginning South 54 degrees 36 minutes 54 seconds East across Poplar Street a distance of 34.97 feet to a 5/8 inch iron pin set;

Thence South 17 degrees 37 minutes 52 seconds West along the westerly boundary of John Burns, Debra candy & Linda Gonzalas (O.R. 1768 P. 134) a distance of 70.00 feet to a 5/8 inch iron pin set;

Thence North 87 degrees 05 minutes 04 seconds West along the northerly boundary of Daniel L. Cockrell, Jr. (O.R. 1812 P. 47) a distance of 35.69 feet to a 5/8 inch iron pin set;

Thence North 18 degrees 24 minutes 30 seconds East along the west line of Poplar Street, the east line of Lot 33- Fairfax Addition, also being the easterly boundary of John Burns (D.V. 507 P. 954), a distance of 89.74 feet to the place of beginning - containing 0.062 acres, more or less.

Subject to all legal right-of-way of previous records.

The above description was prepared by me, Samuel R. Vance, Registered Surveyor No. 7922 from actual field measurements, in accordance with Chapter 4733-37, Ohio Administrative Code in April, 2021. Bearings basis: Ohio State Plane Coordinates, North Zone and North American datum of 1983 (NSRS 2007). All pins set are 5/8 inch by 30 inch rebar with plastic caps stamped "Vance 7922"

Samuel R. Vance
Registered Surveyor No. 7922

April 2, 2021



Attachment: Survey - Poplar ST requested vacation (2148 : 2020-Mpc-09)