



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION**

City Planning Board

Date: 09/12/2023

To: The City Commission

From: City Planning Board

Subject: RIGHT-OF-WAY ALLEY VACATION RESIDENTIAL 23-RW-06

Request: The applicant is requesting to vacate the first alley NE of Johnny Lytle from Rebert Pk west to intersecting N-S alley. (Alley near 1109 Montgomery Ave.)

The following motion was made at the regular City Planning Board meeting 09/11/2023:

Motion by Mr. Wallace to approve Case #23-RW-06 to vacate the first alley NE of Johnny Lytle from Rebert Pk west to intersecting N-S alley. (Alley near 1109 Montgomery Ave.) Seconded by Mr. Wendt. : APPROVED

YEAS: Mr. Wear, Ms. Rude, Ms. Foley, Mr. Wallace, Mr. Wendt and Mr. Spencer.

NAYS: None.

Motion Approved.

Vaidehe Agwan
City Planner
City of Springfield, Ohio

Attachments: Staff Report
Application and Attachments

Copy: City Manager's Office

STAFF REPORT

TO: City Planning Board

DATE: August 30, 2023

PREPARED BY: Vaidehe Agwan

SUBJECT: Right-of-Way Vacation #23-RW-06

GENERAL INFORMATION:

Applicant: Lionell E Ogburn, 1109 Montgomery Ave., Springfield, OH 45506.

Owner: See applicant.

Requested Action: The applicant is requesting to vacate the first alley NE of Johnny Lytle from Rebert Pk west to intersecting N-S alley. (Alley near 1109 Montgomery Ave.)

Petitioner's Comments: Attached

Adjoining Property Owners: Attached

File Date: May 22, 2023

Returned reports from Utility Companies:

Columbia Gas: Recommend approval. Columbia Gas has no known gas distribution facilities in the proposed alley vacation.

Spectrum: Pending comments.

AT&T: Recommend approval. ATT has no objection to the request. ATT will reserve any existing easement and/or ROW rights. It is the responsibility of the owner to do locates prior to any construction and to request the removal of any At&t facilities.

Ohio Edison: Recommends approval. Ohio Edison does not have any facilities within this alley.

Returned reports from City Staff:

City Manager's Office: Recommends approval.

City Service Department: Recommends approval.

City Fire Department: Recommends approval.

City Building Regulations Division: Recommends approval.

City Code Enforcement Division: Recommends approval.

City Police Department: Pending comments.

City Planning/ Zoning Division: Recommends approval.

Background, analysis and staff recommendation:

The applicant wishes to vacate alley as shown on slide, to make use of alleyway. The adjoining lot is not owned by the applicant.

The alley that intersects the subject alley and is to the west of 1109 Montgomery Ave is a dead end alley, it is overgrown and may be partially encroached by existing residential structures.

The alley is part of subdivision plat- Kershner and Spence Addition, and was part of public road and alley network, intended to support the residential subdivision.

Based on above, staff recommends approval of applicant's request to vacate the alleyway near 1109 Montgomery Ave. (S.C.O., Chapter 905.01)

Note: The city cannot advise the applicant with legal matters pertaining to private property, or request that an easement access be agreed upon with surrounding property owners. The vacated alley will be divided equally and deeded to adjoining property owners.

ATTACHMENTS:

1. Vicinity map
2. Application and Attachments

23-RW-06 Alley vacation request near 1109 Montgomery Ave



23-RW-06 Alley vacation request near 1109 Montgomery Ave



23-RW-06 Alley vacation request near 1109 Montgomery Ave





Planning Board

Case Review and Comment Sheet

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION

Date Transmitted: July 25, 2023

City Planning Board Meeting Date: August 7, 2023

Transmitted by: Vaidehe Agwan

1. Case Number and Application Type:

23-RW-06 right of way vacation

2. Project Name and Description:

The applicant is requesting to vacate the alley near 1109 Montgomery Ave.

3. Address of Subject Property:

1109 Montgomery Ave

4. Existing Use of Property:

Public Alleyway

5. Please check one of the following and provide comments below:

☒ Recommend approval

☐ Recommend denial

----- Or -----

6. Please send recommendation and comments to:

Vaidehe Agwan at vagwan@springfieldohio.gov or 937 521 8096

Please send recommendation and comments by: July 31, 2023

☐ CMO: Robert Bruno
☐ Building Division: Brandon Gill
☐ Fire Department: Brian Leciejewski
☒ Service Department: Chris Moore
☐ Police Department: Allison Elliott

For Alley Vacation Requests only:

☐ Columbia Gas of Ohio
☐ Ohio Edison- First Energy Corp.
☐ Spectrum



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☐ Spectrum
☐ AT&T

LIONELL E OGBURN
1109 MONTOMGERY AVE
SPRINGFIELD OH 45506

THELMA BRAY
1200 REBERT PK
SPRINGFIELD OH 45506

WILLIAM & SOLANGE WHITE
1700 W STATE ST
SPRINGFIELD OH 45506

THOMAS L & RUTH E GULASA
935 DAYTON RD FRNT
SPRINGFIELD OH 45506

LIMARY NUNEZ
1525 INNISFALLEN AVE
SPRINGFIELD OH 45506

PECAN KNOLL PROPERTIES LLC
1824 REBERT PK
SPRINGFIELD OH 45506

DERRICK LAMAR JONES
1471 INNISFALLEN AVE
SPRINGFIELD OH 45506

LARRY L PORTIS
1517 W ROSE ST
SPRINGFIELD OH 45506

WEST SPFLD CONGREGATION
JEHOVAHS WITNESS
1601 INNISFALLEN AVE
SPRINGFIELD OH 45506

JOHN W KIRKPATRICK
1467 W JEFFERSON ST
SPRINGFIELD OH 45506



GENERAL APPLICATION

*For office use only:

- ☐ Administrative
☒ CPB/CEDA
☐ BZA
☐ Landmarks

23-RW-06

A. PROJECT

1. Application Type & Project Description (attach additional information, if necessary):

RIGHT of Way (ROA) Location

2. Address of Subject Property: Alley (See Photo)

3. Parcel ID Number(s): 340060000 4310066

4. Size of subject property (sq.ft. or acres): _____

5. Current Use of Parcel or Structure: Alley (No Parcel Number)

6. Current Zoning of Parcel: RS-5

B. APPLICANT

☒ Owner ☐ Agent (Property Owner Affidavit required) ☐ Tenant (Property Owner Affidavit required)

Name of Applicant(s): LIONELL E. OGBURN

Applicant Address: 1109 MONTGOMERY AVE SPRINGFIELD, OH 45506

Contact No. and /or Email: 937-244-3899 | leogburn@yahoo.com

C. OWNER

☒ Same as above.

Name of owner(s): _____ Owner

Address: _____

Contact No. and /or Email: _____

Please notarize before signing document:

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION
CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/
OUR KNOWLEDGE.**

Signature: _____

Lionell E. Ogburn

5/23/2023

Applicant

Date

Applicant Name: _____

LIONELL E. OGBURN

State of Ohio, County of Clark. The foregoing instrument was acknowledged
before me on May 23, 2023 by Lionell E. OGBURN (name of person
acknowledged or applicant).

Notary Public Seal and Signature:

My commission expires: April 19, 2028



CHEYENNE SHUTTLEWORTH
Notary Public, State of Ohio
My Commission Expires
April 19, 2028



Right-of-Way Vacation Application

case# 23-RW-06
2300061

CASE NO. (FOR OFFICE USE ONLY):

5/23/23

Date: May 23, 2023 Applicant Name: LIONELL E. OSBURN
Address: 1109 MONTGOMERY AVE SPRINGFIELD, OH 45506

Please include the following Exhibits:

Exhibit A

A plot plan is to be attached which indicates the right-of-way to be vacated.

Exhibit B

Please state the reason for the requested right-of-way vacation. (Attach additional pages if necessary)

The Right of Way (AUEY) IS NEXT to My Property
Address Listed Above. I HAVE BEEN MAINTAINING the
Requested AREA for TEN (10) YEARS.
Right of Way (AUEY)

Exhibit C

Please submit copy of a cross-access easement agreement signed by all affected neighbors prior to the City Commission Public Hearing.

I, the undersigned, depose and state that I am an interested party in the right-of-way involved in this petition.

Applicant Signature:

Lionell E. Osburn 5/23/2023

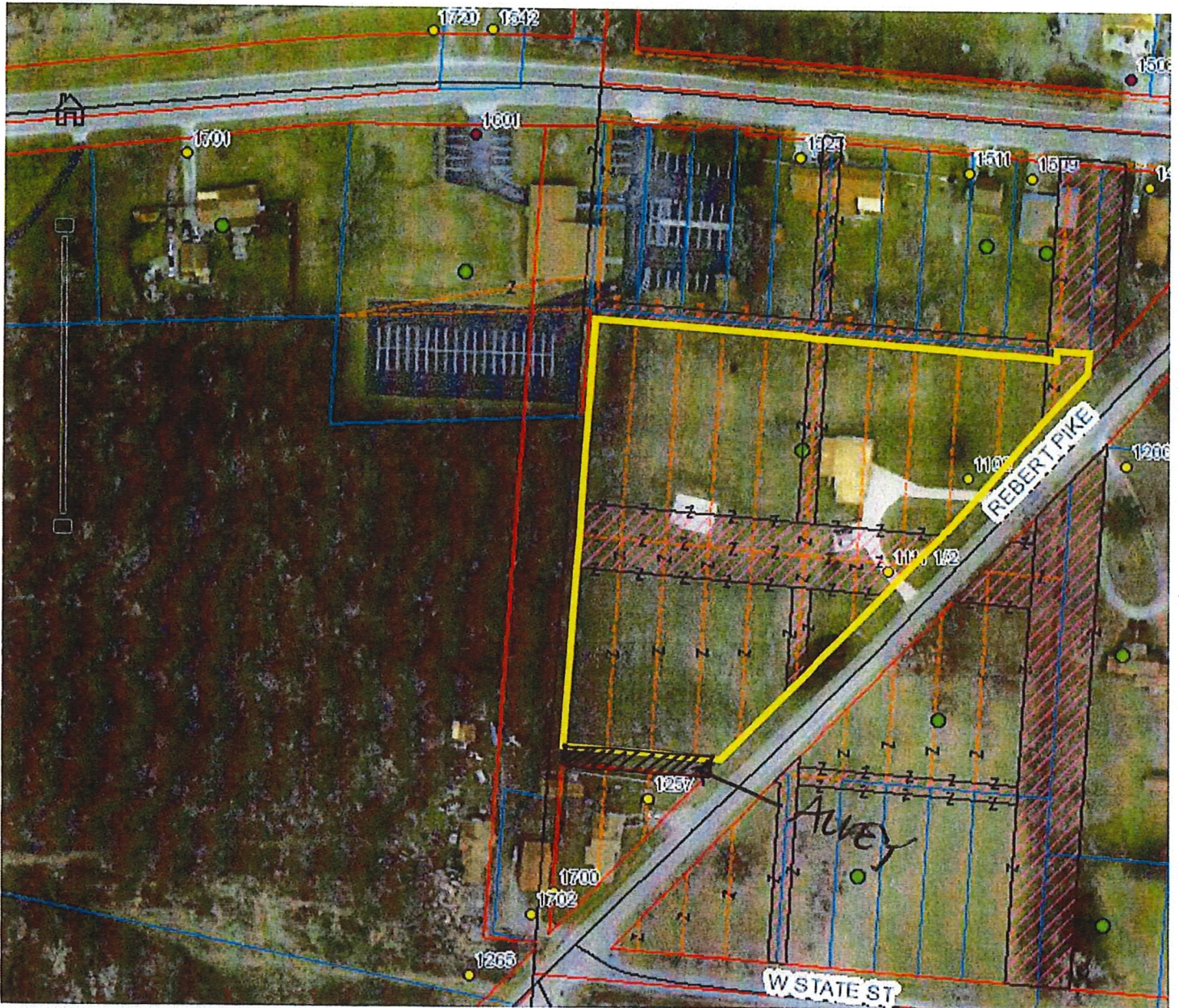






(<https://www.clarkcountyauditor.org/>)

Clark County GIS - John S. Federer
(937) 521-1860 - gis@clarkcountyohio.gov



Alley V_{er}ification
Application

[Click here for Legal Disclaimer](#)

2021-09-28

5/16/2022, 1:40 PM

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SPRINGFIELD OH 45506

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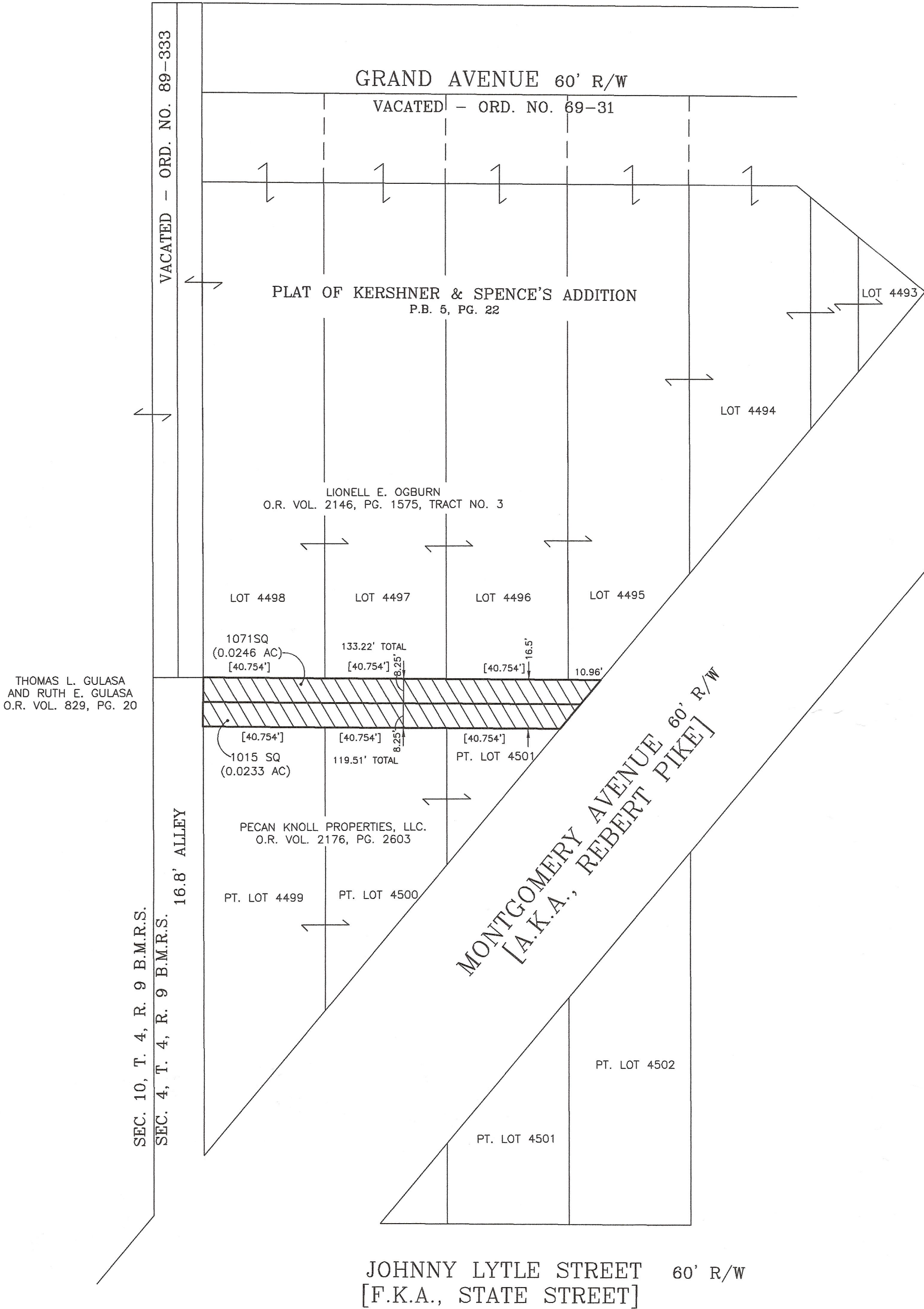
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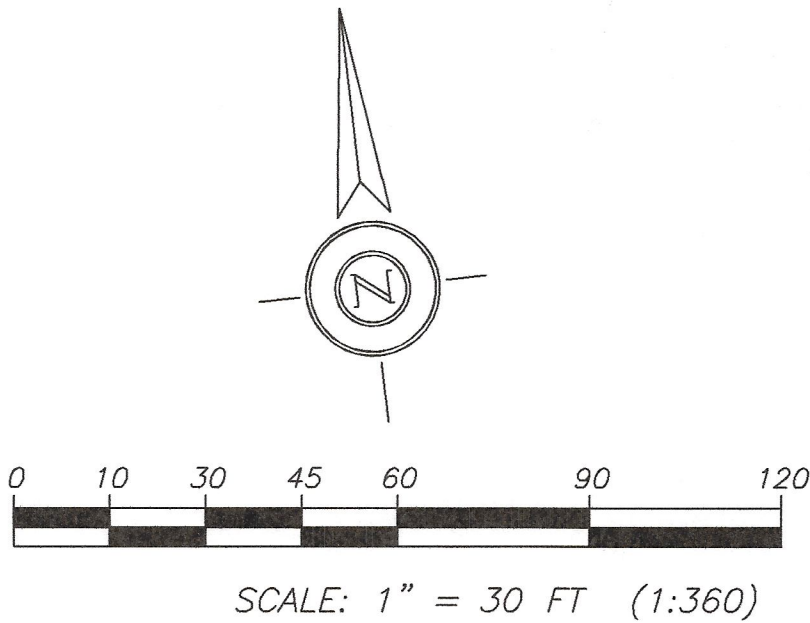
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SPRINGFIELD OH 45506



- NOTES:
1. THE INFORMATION SHOWN HEREON WAS DERIVED FROM RECORDS AT THE CLARK COUNTY, OHIO TAX MAP DEPARTMENT AND THE CLARK COUNTY, OHIO RECORDER'S OFFICE AND IS NOT THE RESULT OF A FIELD SURVEY
 2. THE VACATED RIGHT-OF-WAY SHALL BE DIVIDED ALONG THE CENTERLINE AND EACH PART SHALL BE ATTACHED TO THE ADJOINING PROPERTIES. THE AREA OF VACATED RIGHT-OF-WAY TO BE ADDED TO EACH PARCEL IS SHOWN ON THE MAP.
 3. THIS MAP WAS PREPARED UNDER THE SUPERVISION OF MARK T. SCHOLL, P.S. - OHIO REG. NO. 6599
 4. BRACKETS "[]" INDICATE DEED OR PLAT CALL.
 5. SURVEY REFERENCES:
 - R.S.R.V. 31, PG. 97
 - R.S.R.V. 20, PG. 146
 - R.S.R.V. 24, PG. 216
 - R.S.R.V. 26, PG. 116
 - PLAT OF KERSHNER AND SPENCE'S ADDITION P.B. 5, PG. 22
 - PLAT OF SECOND SECTION OF ROANOKE ADDITION P.B. 7, PG. 32
 6. INDICATES AREA TO BE VACATED



RIGHT OF WAY VACATION

FIRST ALLEY NORTHEAST OF JOHNNY LYTLE FROM
REBERT PIKE WEST TO INTERSECTING NORTH-SOUTH ALLEY

PT. S.W. 1/4 SEC. 4, T. 4, R. 9, B.M.R.S.

CITY OF SPRINGFIELD
CLARK COUNTY, OHIO
OCTOBER 11, 2023

MARK T. SCHOLL P.S. 6599

CITY OF SPRINGFIELD, OHIO
ENGINEERING DEPARTMENT
76 EAST HIGH STREET
SPRINGFIELD, OHIO 45502

DWG. BY: DEB
ACAD FILE: 4433.DWG
PLOT FILE: SCHOLL-SID
FB/PG: PROJECT: 4433