

**CITY OF SOUTH LEBANON, OHIO**  
**ORDINANCE NO. 2023-05**

**AN ORDINANCE VACATING A PORTION OF MULBERRY STREET, AND  
DECLARING AN EMERGENCY**

**WHEREAS**, per Mary Ellen Survey Plat in Book 5 , Page 188 of the Warren County Engineer's Office Survey Records, a section of Mulberry Street forty (40) feet wide was created on the east side of Mary Ellen Street, known as Main Street in 1902; and

**WHEREAS**, subsequently, lots were created on McKinley Street in this area and this section of right-of-way was never vacated by the then-Village of South Lebanon; and,

**WHEREAS**, the Warren County Map Room is now requiring the area of right-of-way to be vacated prior to any transfer of title of the affected properties, and,

**WHEREAS**, immediate action is required to allow the affected to transfer or sell their property(ies) and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of South Lebanon, at least two-thirds of all members elected thereto concurring:

**Section 1.** The City hereby vacates that portion of Mulberry Street as described in the attached Exhibits A, B, C, D, E and F, and that by reason of such vacation, the land contained within the boundaries thereof shall revert to and belong to the abutting property owners in accordance with the attached map of said properties.

**Section 2.** That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.


**Section 3.** That it is found and determined that all formal actions of the Council concerning and relating to passing this Ordinance were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.


**Section 4.** That this Ordinance is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and, this Ordinance shall be in full force and effective immediately upon its passage.

Ordinance 2023-05 Vacation of Mulberry Street

Page 2

Adopted this 2<sup>nd</sup> day of March, 2023.

Attest:   
Petrina D. Williams, Fiscal Officer/Clerk

  
James D. Smith, Mayor

Rules Suspended: 32/2023 (if applicable)

Effective Date – 3/2/2023

Vote - 5 Yeas

\_\_\_\_ Nays

First Reading – / /2023

Effective Date – / /2023

Second Reading – / /2023

Third Reading – / /2023

Vote - \_\_\_\_ Yeas

\_\_\_\_ Nays

Prepared by and approved as to form:

ANDREW P. MEIER  
CITY SOLICITOR  
SOUTH LEBANON, OHIO

By: 

Date: 3/2/2023

MEASUREMENTS BASED ON MARY ELLEN STREET BEARING S 5° 00' 00" W AS SHOWN IN PLAT VOL. 142, RECORD OF LAND SURVEYS.

ACCUAPTION IN GENERAL, ITS SURVEY EXCEPT AS SHOWN.

ADJUSTMENTS GENERALLY IN GOOD CONDICTION UNLESS NOT OTHERWISE.

SURVEY BASED ON REEDS, FIELD EVIDENCE, AND PLAN OF RECORD NOTED HEREON.

ADJUSTMENTS SHOWN IN BEGIN WERE DISCOVERED DURING THE COURSE OF RESEARCH OF PUBLIC RECORDS AND MAY NOT COMPRISE ALL OF THE EXISTENTS AND/OR ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY.

ALL THIS SET AT 30' FROM BERM, 30' IN LENGTH CAPT'D "MCCOY L. SMITH PERSONAL".

[illegible]

MEASUREMENTS BASED ON MARK ELLEN STREET BEARING S. 57.00° 00' W.  
AS SHOWN IN PLAT VOL. 142, P. 48, RECORD OF LAND SURVEYS.

ENTERS CLOSURE SUMMARY

COMBS\_CLOSURE\_SUMMARY

### CRITT CLOSURE SUMMARY

STAILBEE CLOSURE SUMMARY

Error direction:	0.00°
North:	N 372.03° E
East:	171.56°
South:	187.59°
West:	98.92 6991°
Point of Beginning	5983.7341°
Side 1: Line	505.9200° W
Distance:	40.00°
Side 2: Line	5925.218°
Distance:	5925.2025°
Side 3: Line	N 85.35.72° W
Distance:	43.74°
Side 4: Line	5929.2701°
Distance:	N 05.34.25° E
Distance:	40.00°
Side 5: Line	5983.7341°
Distance:	5983.6999°
Side 6: Line	5983.7341°
Distance:	5983.7341°
Side 7: Line	5983.7341°
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Side 8: Line	5983.7341°
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Side 60: Line	5983.7341°
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[illegible]

**MULBERRY STREET VACATION**  
SITUATED IN SECTION 31, TOWN 5, RANGE 3  
BETWEEN THE MIAMIS, CITY OF SOUTH LEBANON  
UNION TOWNSHIP, WARREN COUNTY, OHIO  
JANUARY 2022

JANUARY 2023

BEING 0.1936 ACRES TOTAL  
OF MULBERRY STREET (40' R/W)  
OF MARY ELLEN SUBDIVISION AS SHOWN  
AND RECORDED IN S.R. VOL. 5, P. 188



**MSP DESIGN**  
McGill Smith Punishon

3700 Rock 12 Drive  
Suite 1200  
Oakland, OH 43215  
P 513.725.0046

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Date	4 NOV 2022		
Scale	1"=30'		
Drawn by	CMB	Proj. Mgr.	RDN
Survey Database	0630818		
DWG	0630818-VAC-02		
Xref(s)			
Project Number	06308.18		
File No.	vacvac	Sheet No.	1 / 1



CERTIFICATE OF SURVEYOR

HEREBY CERTIFY THAT THIS PLAN IS A TRUE AND COMPLETE SURVEY MADE UNDER MY SUPERVISION ON THE 31ST OF OCTOBER, 2022 AND THAT ALL MONUMENTS AND LOT CORNER PINS WILL BE SET AS SHOWN.

*Richard D. Nichols* 1/20/23  
DATE  
RICHARD D. NICHOLS, P.S.

[illegible]

**DESCRIPTION FOR:** City of South Lebanon

**LOCATION:** Mary Ellen Subdivision  
Mulberry Street 40' R/W  
0.0400 Acres

Situate in Section 31, Town 5, Range 3, Between the Miamis, City of South Lebanon, Union Township, Warren County, Ohio, being part of Mulberry Street (40' right-of-way) of Mary Ellen Subdivision as shown and recorded in S.R. Vol. 5, P. 188 (all records of the Warren County, Ohio Recorder's Office) and also being more particularly described as follows:

Beginning at a set pin (all pins set are 5/8" iron rebar, 30" in length, capped "McGill Smith Punshon") In the north right-of-way line of said Mulberry Street, lying North 85°35'22" West, along said right-of-way line, 167.18 feet from a set pin at the northwest corner of said Mulberry Street and Mary Ellen Street (49.5' right-of-way) as shown on said plat;

Thence, parallel with said Mary Ellen Street, South 05°00'00" West, 40.00 feet to the south right-of-way line of said Mulberry Street;

Thence along the south right-of-way line of said Mulberry Street, North 85°35'22" West, 43.74 feet to a set pin in the east right-of-way line of an alley (15' right-of-way) as shown on aforesaid plat;

Thence along the east right-of-way line of said alley, North 05°34'25" East, 40.01 feet to a set pin in the north right-of-way line of said Mulberry Street;

Thence with the north right-of-way line of said Mulberry Street, South 85°35'22" East, 43.34 feet to the point of beginning.

Containing 0.0400 acres of land.

Subject to all legal highways, easements and restrictions of record.

The above description is the result of a Vacation Plat prepared by McGill Smith Punshon, Inc. under the direction of Richard D. Nichols, P.S. No. 7929, dated the 4th of November 2022. The bearings in the above description are based on Mary Ellen Street bearing South 05°00'00" West as shown in Plat Vol. 142, Page 49, Records of Land Surveys.

Prepared by: McGill Smith Punshon, Inc.  
Date: 11 JAN 2023  
MSP No.: 06308.18

06308183-LEG-0.0400ac

*Richard D. Nichols*

1/20/23

McGill Smith Punshon, Inc.

3700 Park 42 Drive, Suite 190B ■ Cincinnati, Ohio 45241

513.759.0004 ■ Fax 513.563.7099 ■ www.mspdesign.com



**DESCRIPTION FOR:** City of South Lebanon

**LOCATION:** Mary Ellen Subdivision  
Mulberry Street 40' R/W  
0.0441 Acres

Situate in Section 31, Town 5, Range 3, Between the Miamis, City of South Lebanon, Union Township, Warren County, Ohio, being part of Mulberry Street (40' right-of-way) of Mary Ellen Subdivision as shown and recorded in S.R. Vol. 5, P. 188 (all records of the Warren County, Ohio Recorder's Office) and also being more particularly described as follows:

Beginning at a set pin (all pins set are 5/8" iron rebar, 30" in length, capped "McGill Smith Punshon") In the north right-of-way line of said Mulberry Street, lying North 85°35'22" West, along said right-of-way line, 61.18 feet from a set pin at the northwest corner of said Mulberry Street and Mary Ellen Street (49.5' right-of-way) as shown on said plat;

Thence, parallel with said Mary Ellen Street, South 05°00'00" West, 40.00 feet to the south right-of-way line of said Mulberry Street;

Thence along the south right-of-way line of said Mulberry Street, North 85°35'22" West, 48.00 feet to a set pin;

Thence parallel with aforesaid Mary Ellen Street, North 05°00'00" East, 40.00 feet to a set pin in the north right-of-way line of said Mulberry Street;

Thence with the north right-of-way line of said Mulberry Street, South 85°35'22" East, 48.00 feet to the point of beginning.

Containing 0.0441 acres of land.

Subject to all legal highways, easements and restrictions of record.

The above description is the result of a Vacation Plat prepared by McGill Smith Punshon, Inc. under the direction of Richard D. Nichols, P.S. No. 7929, dated the 4th of November 2022. The bearings in the above description are based on Mary Ellen Street bearing South 05°00'00" West as shown in Plat Vol. 142, Page 49, Records of Land Surveys.

Prepared by: McGill Smith Punshon, Inc.  
Date: 11 JAN 2023  
MSP No.: 06308.18

06308183-LEG-0.0441ac

 1/20/23  
McGill Smith Punshon, Inc.  
3700 Park 42 Drive, Suite 190B ■ Cincinnati, Ohio 45241  
513.759.0004 ■ Fax 513.563.7099 ■ www.mspdesign.com





**DESCRIPTION FOR:** City of South Lebanon

**LOCATION:** Mary Ellen Subdivision  
Mulberry Street 40' R/W  
0.0533 Acres

Situate in Section 31, Town 5, Range 3, Between the Miamis, City of South Lebanon, Union Township, Warren County, Ohio, being part of Mulberry Street (40' right-of-way) of Mary Ellen Subdivision as shown and recorded in S.R. Vol. 5, P. 188 (all records of the Warren County, Ohio Recorder's Office) and also being more particularly described as follows:

Beginning at a set pin (all pins set are 5/8" iron rebar, 30" in length, capped "McGill Smith Punshon") In the north right-of-way line of said Mulberry Street, lying North 85°35'22" West, along said right-of-way line, 109.18 feet from a set pin at the northwest corner of said Mulberry Street and Mary Ellen Street (49.5' right-of-way) as shown on said plat;

Thence, parallel with said Mary Ellen Street, South 05°00'00" West, 40.00 feet to the south right-of-way line of said Mulberry Street;

Thence along the south right-of-way line of said Mulberry Street, North 85°35'22" West, 58.00 feet to a set pin;

Thence parallel with aforesaid Mary Ellen Street, North 05°00'00" East, 40.00 feet to a set pin in the north right-of-way line of said Mulberry Street;

Thence with the north right-of-way line of said Mulberry Street, South 85°35'22" East, 58.00 feet to the point of beginning.

Containing 0.0533 acres of land.

Subject to all legal highways, easements and restrictions of record.

The above description is the result of a Vacation Plat prepared by McGill Smith Punshon, Inc. under the direction of Richard D. Nichols, P.S. No. 7929, dated the 4th of November 2022. The bearings in the above description are based on Mary Ellen Street bearing South 05°00'00" West as shown in Plat Vol. 142, Page 49, Records of Land Surveys.

Prepared by: McGill Smith Punshon, Inc.  
Date: 11 JAN 2023  
MSP No.: 06308.18

06308183-LEG-0.0533ac

*Robert D. Nichols* 1/20/23

McGill Smith Punshon, Inc.  
3700 Park 42 Drive, Suite 190B ■ Cincinnati, Ohio 45241  
513.759.0004 ■ Fax 513.563.7099 ■ www.mspdesign.com



**DESCRIPTION FOR:****City of South Lebanon****LOCATION:**

**Mary Ellen Subdivision**  
**Mulberry Street 40' R/W**  
**0.0562 Acres**

Situate in Section 31, Town 5, Range 3, Between the Miamis, City of South Lebanon, Union Township, Warren County, Ohio, being part of Mulberry Street (40' right-of-way) of Mary Ellen Subdivision as shown and recorded in S.R. Vol. 5, P. 188 (all records of the Warren County, Ohio Recorder's Office) and also being more particularly described as follows:

Beginning at a set pin (all pins set are 5/8" iron rebar, 30" in length, capped "McGill Smith Punshon") at the northwest corner of said Mulberry Street and Mary Ellen Street (49.5' right-of-way) as shown on said plat;

Thence, South 05°00'00" West, 40.00 feet to the southwest corner of said streets;

Thence along the south right-of-way line of said Mulberry Street, North 85°35'22" West, 61.18 feet to a set pin;

Thence parallel with said Mary Ellen Street, North 05°00'00" East, 40.00 feet to a set pin in the north right-of-way line of said Mulberry Street;

Thence with the north right-of-way line of said Mulberry Street, South 85°35'22" East, 61.18 feet to the point of beginning.

Containing 0.0562 acres of land.

Subject to all legal highways, easements and restrictions of record.

The above description is the result of a Vacation Plat prepared by McGill Smith Punshon, Inc. under the direction of Richard D. Nichols, P.S. No. 7929, dated the 4th of November 2022. The bearings in the above description are based on Mary Ellen Street bearing South 05°00'00" West as shown in Plat Vol. 142, Page 49, Records of Land Surveys.

Prepared by: McGill Smith Punshon, Inc.  
 Date: 11 JAN 2023  
 MSP No.: 06308.18

06308183-LEG-0.0562ac

*Richard D. Nichols* 1/20/23



McGill Smith Punshon, Inc.  
 3700 Park 42 Drive, Suite 190B ■ Cincinnati, Ohio 45241  
 513.759.0004 ■ Fax 513.563.7099 ■ www.mspdesign.com



**DESCRIPTION FOR:****City of South Lebanon****LOCATION:**

**Mary Ellen Subdivision  
Mulberry Street 40' R/W  
Perimeter 0.1936 Acres**

Situate in Section 31, Town 5, Range 3, Between the Miamis, City of South Lebanon, Union Township, Warren County, Ohio, being part of Mulberry Street (40' right-of-way) of Mary Ellen Subdivision as shown and recorded in S.R. Vol. 5, P. 188 (all records of the Warren County, Ohio Recorder's Office) and also being more particularly described as follows:

Beginning at a set pin (all pins set are 5/8" iron rebar, 30" in length, capped "McGill Smith Punshon") at the northwest corner of said Mulberry Street and Mary Ellen Street (49.5' right-of-way) as shown on said plat;

Thence, South 05°00'00" West, 40.00 feet to the southwest corner of said streets;

Thence along the south right-of-way line of said Mulberry Street, North 85°35'22" West, 210.92 feet to a set pin in the east right-of-way line of an alley (15' right-of-way) as shown on aforesaid plat;

Thence along the east right-of-way line of said alley, North 05°34'25" East, 40.01 feet to a set pin in the north right-of-way line of said Mulberry Street;

Thence with the north right-of-way line of said Mulberry Street, South 85°35'22" East, 210.52 feet to the point of beginning.

Containing 0.1936 acres of land.

Subject to all legal highways, easements and restrictions of record.

The above description is the result of a Vacation Plat prepared by McGill Smith Punshon, Inc. under the direction of Richard D. Nichols, P.S. No. 7929, dated the 4<sup>th</sup> of November 2022. The bearings in the above description are based on Mary Ellen Street bearing South 05°00'00" West as shown in Plat Vol. 142, Page 49, Records of Land Surveys.

Prepared by: McGill Smith Punshon, Inc.  
Date: 11 JAN 2023  
MSP No.: 06308.18

06308183-LEG-0.1936ac

 1/20/23

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