



## Legislation Details (With Text)

**File #:** 0622-2012      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 3/12/2012      **In control:** Public Utilities Committee  
**On agenda:** 3/26/2012      **Final action:** 3/28/2012

**Title:** To authorize the Director of the Department of Public Utilities and the Director of the Department Recreation and Parks to execute a "Declaration and Agreement of Covenants, and Easement" between the City and Liberty Crossing, an Ohio Limited Liability Company for the conveyance of a nonexclusive access easement onto that portion of the City's property located in the vicinity of Highland Bluffs Boulevard and North High Street (U.S. 23) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. DECLARATION AND AGREEMENT OF COVENANTS CLEAN 1.26.pdf

Date	Ver.	Action By	Action	Result
3/28/2012	1	CITY CLERK	Attest	
3/27/2012	1	ACTING MAYOR	Signed	
3/26/2012	1	COUNCIL PRESIDENT	Signed	
3/26/2012	1	Columbus City Council	Approved	Pass

The City of Columbus, Ohio ("City") is the owner of certain real property located in the vicinity of Highland Bluffs Boulevard and North High Street (U.S. 23) on which storm water detention basins currently exist. Liberty Crossing ("Liberty Crossing"), an Ohio Limited Liability Company is the owner of real property, adjacent to the City's property, which the limited liability company intends to develop for multi-family uses. Liberty Crossing currently has storm water easements on the City's property; however, the Liberty Property is or will be subject to an Ohio EPA Permit which will require post construction, operation and maintenance plans for storm water facilities and practices in order to develop the Liberty Property. The implementation of the maintenance plan(s) and practices are required to be ensured through the recording of a legally binding instrument(s). Therefore, Liberty Crossing desires to into a Declaration and Agreement of Covenants, and Easement with the City in order to meet the Ohio EPA's requirements for the development on the Liberty Property to utilize the Storm Water Basins located on the City Property. As a part of the agreement Liberty Crossing shall submit a Department of Public Utilities, Division of Sewerage and Drainage, approved post construction, operation and maintenance schedule and storm sewer construction plans to keep all inlets and outlets free and clear of debris, repairing any damaged structures, maintaining sediment accumulation in the bottom of the Storm Water Basins, repairing undercut or eroded areas, maintaining any hardscape surfaces, lawncare maintenance, and repairing any damaged landscape areas. The City will grant Liberty Crossing, a nonexclusive access easement onto that portion of the City's property described more fully in the body of this legislation for said purposes. After investigation by the Department of Public Utilities and the Department Recreation and Parks, it has been determined to be in the best interest of the City to enter into a Declaration and Agreement of Covenants, and Easement with Liberty Crossing. The following legislation authorizes the Director of the Department of Public Utilities and the Director of the Department Recreation and Parks to execute a Declaration and Agreement of Covenants, and Easement between the City and Liberty Crossing.

To authorize the Director of the Department of Public Utilities and the Director of the Department Recreation and Parks to execute a "Declaration and Agreement of Covenants, and Easement" between the City and Liberty Crossing, an Ohio

Limited Liability Company for the conveyance of a nonexclusive access easement onto that portion of the City's property located in the vicinity of Highland Bluffs Boulevard and North High Street (U.S. 23) and to declare an emergency.

**WHEREAS**, the City of Columbus, Ohio ("City") is the owner of certain real property located in the vicinity of Highland Bluffs Boulevard and North High Street (U.S. 23) on which storm water detention basins currently exist; and

**WHEREAS**, Liberty Crossing ("Liberty Crossing"), an Ohio Limited Liability Company is the owner of real property, adjacent to the City's property, which the limited liability company intends to develop for multi-family uses; and

**WHEREAS**, Liberty Crossing currently has storm water easements on the City's property; and

**WHEREAS**, the Liberty Property is or will be subject to an Ohio EPA Permit which will require post construction, operation and maintenance plans for storm water facilities and practices in order to develop the property; and

**WHEREAS**, the implementation of the maintenance plan(s) and practices are required to be ensured through the recording of a legally binding instrument(s); and

**WHEREAS**, Liberty Crossing desires to enter into a Declaration and Agreement of Covenants, and Easement with the City in order to meet the Ohio EPA's requirements for the development on the Liberty Property to utilize the Storm Water Basins located on the City Property; and

**WHEREAS**, as a part of the agreement Liberty Crossing shall submit a Department of Public Utilities, Division of Sewerage and Drainage, approved post construction, operation and maintenance schedule and storm sewer construction plans agreeing to keep all inlets and outlets free and clear of debris, repairing any damaged structures, maintaining sediment accumulation in the bottom of the Storm Water Basins, repairing undercut or eroded areas, maintaining any hardscape surfaces, lawn care maintenance, and repairing any damaged landscape areas; and

**WHEREAS**, the City will then grant Liberty Crossing, a nonexclusive access easement onto that portion of the City's property described more fully in the body of this legislation; and

**WHEREAS**, after investigation by the Department of Public Utilities and the Department Recreation and Parks, it has been determined to be in the best interest of the City to enter into a Declaration and Agreement of Covenants, and Easement with Liberty Crossing; and

**WHEREAS**, an emergency exists in the usual daily operation of the City of Columbus, in that it is immediately necessary to authorize the Director of the Department of Public Utilities and the Director of the Department Recreation and Parks to execute a "Declaration and Agreement of Covenants, and Easement" between the City and Liberty Crossing, an Ohio Limited Liability Company for the conveyance of a nonexclusive access easement onto that portion of the City's property located in the vicinity of Highland Bluffs Boulevard and North High Street (U.S. 23) for the immediate preservation of the public peace, property, health and safety; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the Director of the Department of Public Utilities and the Director of the Department Recreation and Parks be and hereby is authorized to execute those documents, prepared by the Department of Law, Real Estate Division, necessary to enter into a "Declaration and Agreement of Covenants, and Easement" between the City and Liberty Crossing, an Ohio Limited Liability Company, substantially similar to the attached, for the conveyance of a nonexclusive access easement onto that portion of the City's property located in the vicinity of Highland Bluffs Boulevard and North High Street (U.S. 23) as more fully described as follows:

STORM WATER BASIN EASEMENT  
1.285 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Farm Lots 48 and 48 in the Second Tier of Outlots, Quarter Township 2, Township 2, Range 18, United States Military Lands, being across that 3.262 acre tract conveyed to City of Columbus, Ohio by deed of record in Instrument Number 200605170098061 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

Beginning, for reference, in the westerly right-of-way line of North High Street U.S. 23), being, in the westerly line of that 0.052 acre tract conveyed as Parcel 14WD to City of Columbus, Ohio by deed of record in Instrument Number 200011200235149, at the southeasterly corner of said 3.262 acre tract, a northeasterly corner of that 2.046 acre tract conveyed to Metropolitan 23 LLC by deed of record in Instrument Number 200503170049257;

thence South 87° 09' 21" West, with the southerly line of said 3.262 acre tract, the northerly line of said 2.046 acre tract, a distance of 197.15 feet to a point;

thence North 02° 50' 39" West, across said 3.262 acre tract, a distance of 6.01 feet to a point in a northerly line of that 20' Storm Sewer Easement of record in Official Record 937J10, the TRUE POINT OF BEGINNING;

thence across said 3.262 acre tract, the following courses and distances:

North 48° 15' 50" West, a distance of 110.90 feet to a point;

North 76° 44' 21" West, a distance of 19.72 feet to a point; and

North 86° 56' 28" West, a distance of 50.07 feet to a point in the perimeter of that 20 feet wide Storm Sewer Easement of record in Instrument Number 200605190098061;

thence continuing across said 3.262 acre tract, with the perimeter of said existing Storm Sewer Easement, the following courses and distances:

North 14° 54' 37" East, a distance of 18.61 feet to a point;

North 75° 05' 23" West, a distance of 20.00 feet to a point; and

South 14° 54' 37" West, a distance of 15.63 feet to a point in the easterly line of that Storm Sewer Easement of record in Instrument Number 200505100088082;

thence North 41° 18' 14" West, with the easterly line of said existing Storm Sewer Easement, a distance of 91.31 feet to a point;

thence continuing across said 3.262 acre tract, the following courses and distances:

North 40° 12' 49" East, a distance of 141.46 feet to a point;

South 57° 15' 35" East, a distance of 73.47 feet to a point; and

North 84° 26' 43" East a distance of 82.47 feet to a point in the perimeter of that 20 feet wide Storm Sewer Easement of record in Instrument Number 200605190098061;

thence continuing across said 3.262 acre tract, with the perimeter of said existing Storm Sewer Easement, the following courses and distances:

South 07° 41' 19" East, a distance of 22.56 feet to a point;

North 82° 18' 41" East, a distance of 20.00 feet to a point; and

North 07° 41' 19" West, a distance of 20.85 feet to a point;

thence across said 3.262 acre tract, the following courses and distances:

South 84° 47' 28" East, a distance of 41.03 feet to a point on the arc of a curve;

with the arc of said curve to the right, having a central angle of 93° 30' 13", a radius of 120.00 feet, an arc length of 195.83 feet, a chord bearing and distance of South 06° 29' 10" East, 174.81 feet to a point;

South 49° 44' 04" East, a distance of 34.44 feet to a point; and

South 72° 27' 23" West, a distance of 116.80 feet to the TRUE POINT OF BEGINNING, and containing 1.285 acre of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King, Registered Surveyor No. 8307, HLK: tb/February 20, 2012

**Section 2.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes the same.