



## Legislation Details (With Text)

**File #:** 1407-2009      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 10/15/2009      **In control:** Recreation & Parks Committee

**On agenda:** 11/2/2009      **Final action:** 11/4/2009

**Title:** To authorize the Director of the Recreation and Parks Department to execute a Quitclaim Deed of Easement and any ancillary documents necessary to grant the State of Ohio, Department of Transportation a perpetual sewer easement necessary to its FRA-324.48 State Route 3 Roadway Improvement Project, and to the extent they may be applicable, to waive the competitive bidding and Land Review Commission requirements of the Columbus City Codes (1959) Revised, and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
11/4/2009	2	CITY CLERK	Attest	
11/3/2009	2	MAYOR	Signed	
11/2/2009	1	Columbus City Council	Amended as submitted to the Clerk	Pass
11/2/2009	1	Columbus City Council	Approved as Amended	Pass
11/2/2009	2	COUNCIL PRESIDENT	Signed	
10/19/2009	1	Atty Drafter	Sent for Approval	
10/19/2009	1	CITY ATTORNEY	Reviewed and Approved	
10/19/2009	1	Atty Drafter	Sent to Clerk's Office for Council	
10/16/2009	1	REC & PARKS DIRECTOR	Reviewed and Approved	
10/15/2009	1	Atty Drafter	Sent for Approval	
10/15/2009	1	Atty Reviewer	Reviewed and Approved	
10/15/2009	1	Atty Drafter	Sent for Approval	

The State of Ohio, Department of Transportation ("ODOT") is preparing to reconstruct and resurface approximately 1.77 miles of roadway along State Route 3, in the vicinity of Westerville Crossing Drive. The work will include pavement enhancements, signal signing, improvements to certain Interstate 270 ramps and intersecting roads. ODOT has determined that the acquisition of certain City of Columbus ("City") owned real property, located in the area is necessary the project's completion. The State has requested that in the spirit of intergovernmental cooperation, the City grant a perpetual easement across, under and through certain City property, more fully described in the body of this legislation, at no charge. After investigation by the Recreation and Parks Department that the granting of the requested easement will not adversely affect the City and should be allowed. The following legislation authorizes the Director of the Recreation and Parks Department to execute those documents necessary to grant a Quitclaim Deed of Easement to ODOT.

Fiscal Impact: N/A

Emergency Justification: This request has been thoroughly investigated and contemplated by the Department of Recreation

and Parks and at this time emergency action is requested by the Division of Real Estate to allow this matter to proceed without delay.

To authorize the Director of the Recreation and Parks Department to execute a Quitclaim Deed of Easement and any ancillary documents necessary to grant the State of Ohio, Department of Transportation a perpetual sewer easement necessary to its FRA-324.48 State Route 3 Roadway Improvement Project, and ~~to the extent they may be applicable, to waive the competitive bidding and Land Review Commission requirements of the Columbus City Codes (1959) Revised, and to declare an emergency.~~

WHEREAS, the State of Ohio, Department of Transportation ("ODOT") is preparing to reconstruct and resurface approximately 1.77 miles of roadway along State Route 3, in the vicinity of Westerville Crossing Drive; and

WHEREAS, the work will include pavement enhancements, signal signing, improvements to certain Interstate 270 ramps and intersecting roads; and

WHEREAS, ODOT has determined that the acquisition of certain City of Columbus ("City") owned real property, located in the area is necessary the project's completion; and

WHEREAS, the State has requested that in the spirit of intergovernmental cooperation, the City grant a perpetual easement at no charge; and

WHEREAS, after investigation by the Recreation and Parks Department that the granting of the requested easement will not adversely affect the City and should be allowed; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, that it is immediately necessary to authorize the Director of the Recreation and Parks Department to execute those instruments as approved by the Real Estate Division, Department of Law, necessary to grant a perpetual sewer line easement to the Ohio Department of Transportation for the immediate preservation of the public health, peace, property and safety; now, therefore:

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

Section 1. That the Director of the Department of Recreation and Parks be, and hereby is authorized to execute those documents prepared by the Department of Law, Real Estate Division necessary to grant the State of Ohio, Department of Transportation perpetual sewer line easement in, under, across, over and through the following described real property, to wit:

Parcel 42A-S

PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A SEWER

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 3, Township 2, Range 17, United States Military Lands, and being part of a 4.100 acre tract conveyed to City of Columbus, as recorded in Instrument No. 199901140010754, Franklin County Recorder's Office, Ohio, and being more particularly described as follows:

Being a parcel of land lying on the right side of centerline of right-of-way of SR 3, as shown in FRA-3-24.48 project made for the Ohio Department of Transportation, recorded in Book\_\_\_\_, Page\_\_\_\_, of records in Franklin County and being located within the following described points in the boundary thereof.

Beginning for reference at the centerline intersection of SR 3 and Westerville Crossing Drive, said point being at centerline of right-of-way of SR 3 Sta. 104+26.63;

Thence N 78E47'47" W, a distance of 268.44 feet to a point in the northerly right-of-way line of Westerville Crossing Drive and the south line of a 1.476 acre tract conveyed to Joe A. Dipietro and Lynda G. Dipietro, as recorded in Instrument No. 200206250156217, at 268.02 right of centerline of right-of-way of SR 3 Sta. 104+41.66;

Thence N 73°33'39" E, a distance of 83.88 feet to a point in the east line of said 1.476 acre tract and the west line of said 4.100 acre tract, at 340.03 feet right of centerline of right-of-way of SR 3 Sta. 104+84.67, said point being the TRUE POINT OF BEGINNING;

Thence N 73°33'39" E, a distance of 75.40 feet to a point at 404.77 feet right of centerline of right-of-way of SR 3 Sta. 105+23.34;

Thence S 16°53'30" E, a distance of 37.57 feet to a point at 424.29 feet right of centerline of right-of-way of SR 3 Sta. 104+91.24;

Thence S 69°08'23" W, a distance of 79.36 feet to a point in the west line of said 4.100 acre tract and the east line of said 1.476 acre tract, at 359.50 feet right of centerline of right-of-way of SR 3 Sta. 104+45.41;

Thence N 18°09'43" W, along the west line of said 4.100 acre tract and the east line of said 1.476 acre tract, a distance of 5.78 feet to a point at 356.39 feet right of centerline of right-of-way of SR 3 Sta. 104+50.28;

Thence N 11°01'21" W, along the west line of said 4.100 acre tract and the east line of said 1.476 acre tract, a distance of 38.08 feet to the TRUE POINT OF BEGINNING, containing an area of 3147.87 Square Feet, or 0.072 Acres, more or less, of which 0.000 acres are in the present roadway occupied.

The above described area is contained within Franklin County Auditor's Parcel No. 600-185119.

The basis of bearing was transferred from GPS surveys of NGS monuments FRANK 76 and FRANK 76 AZ MK performed by Canter Surveying in 2004, and was based on the NAD 83 (1995 Adjustment), Ohio State Plane Coordinate System, South Zone, and determined the bearing between these two monuments as being S 70E24'08" E.

This description was prepared by Phil Y. Shih, Registered Surveyor No. 7668, based on actual field surveys performed by Canter Surveying in 2004.

Grantor, for himself and his heirs, executors, administrators and assigns, reserves all mineral rights. Phil Y. Shih, Date

~~Section 2. That this Council has determined that it is in the best interest of the City of Columbus to waive and does hereby waive the requirements of Columbus City Codes (1959) Revised, Section 328.01 (Land Review Commission) and Section 329.29 (competitive bidding) to the extent that they may apply to this transaction with regards to this ordinance only.~~

~~Section 3. 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.~~