



Legislation Details (With Text)

File #: 1505-2009 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 10/29/2009 **In control:** Utilities Committee
On agenda: 11/16/2009 **Final action:** 11/17/2009

Title: To authorize the Director of the Department of Public Utilities to execute those documents necessary to grant Hal E. Mullins and Linda K. Mullins, husband and wife, 0.140 + acres of City owned real property located in the vicinity of South Galena Road and Alexander Road commonly known as Hoover Reservoir, in exchange for a Warranty Deed of equal acreage to be granted to City of Columbus in order to alleviate an existing encroachment onto City property, and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
11/17/2009	1	ACTING MAYOR	Signed	
11/17/2009	1	CITY CLERK	Attest	
11/16/2009	1	Columbus City Council	Approved	Pass
11/16/2009	1	COUNCIL PRESIDENT	Signed	
11/5/2009	1	Atty Drafter	Sent for Approval	
11/5/2009	1	CITY ATTORNEY	Reviewed and Approved	
11/5/2009	1	Atty Drafter	Sent to Clerk's Office for Council	
11/3/2009	1	UTILITIES DIRECTOR	Reviewed and Approved	
11/3/2009	1	Utilities Drafter	Sent for Approval	
11/2/2009	1	Utilities Reviewer	Sent for Approval	
10/30/2009	1	Atty Reviewer	Reviewed and Approved	
10/30/2009	1	Atty Drafter	Sent for Approval	
10/30/2009	1	Utilities Drafter	Sent for Approval	
10/29/2009	1	Atty Drafter	Sent for Approval	

BACKGROUND: The City of Columbus, Ohio is the owner of certain real property, located in the vicinity of South Galena Road and Alexander Road commonly known as Hoover Reservoir. It has been discovered that certain permanent structures (a barn and a gravel driveway) currently encroach upon a 0.140 ± acre portion of the City's property. The City has determined that Hal E. Mullins and Linda K. Mullins, husband and wife, are the owners of the encroaching structures and of the real property adjacent to the City's property. The City and the encroaching property owner have been in correspondence with each other in an attempt to reach an agreement, which will alleviate the encroachment issue as well as allow the property owner access to his property. After investigation by the Department of Public Utilities, Division of Power and Water, it has been determined that in its best interest, the City should grant the subject portion of land to Hal E. Mullins and Linda K. Mullins in exchange for real property of the same acreage to be granted to the City. The exchange has been determined to equitable and therefore no money will be involved. This legislation authorizes the Director of the

Department of Public Utilities to execute those documents necessary to grant the aforementioned real property in exchange for property of equitable acreage.

FISCAL IMPACT: N/A

EMERGENCY JUSTIFICATION: The subject permanent structure presently encroaches on the City's real property and therefore emergency action is requested to have this issue immediately alleviated without delay.

To authorize the Director of the Department of Public Utilities to execute those documents necessary to grant Hal E. Mullins and Linda K. Mullins, husband and wife, 0.140 ± acres of City owned real property located in the vicinity of South Galena Road and Alexander Road commonly known as Hoover Reservoir, in exchange for a Warranty Deed of equal acreage to be granted to City of Columbus in order to alleviate an existing encroachment onto City property, and to declare an emergency.

WHEREAS, the City of Columbus ("City") is the owner of a certain 0.140 ± acre portion of real property, located at South Galena Road and Alexander Road commonly known as Hoover Reservoir; and

WHEREAS, a survey of Hoover Reservoir, certain permanent structures, including, but not limited to, a gravel driveway, and a barn were discovered to have encroached onto a 0.140 ± acre portion City owned property; and

WHEREAS, it has been determined that Hal E. Mullins and Linda K. Mullins, husband and wife, are the owners of the real property adjacent to the subject City's property and of the encroaching structures; and

WHEREAS, the City of Columbus and the Mullins have been in correspondence with each other in an attempt to reach an agreement which will alleviate the encroachment issue as well as allow the property owner access to his property; and

WHEREAS, after investigation by the Department of Public Utilities, Division of Power and Water, it has been determined that in its best interest, the City should grant the subject portion of land to Hal E. Mullins and Linda K. Mullins, husband and wife, in exchange for real property of the same acreage to be granted to the City; and

WHEREAS, the City has determined the exchange to be equitable and therefore no money will be involved; and

WHEREAS, an emergency exists in the usual daily operation of the City, in that it is necessary to authorize the Director of the Department of Public Utilities to execute those documents necessary to grant 0.140 ± acres of City owned real property, located in the vicinity of South Galena Road and Alexander Road commonly known as Hoover Reservoir, to Hal E. Mullins and Linda K. Mullins, husband and wife in exchange for a Warranty Deed of equal acreage to be granted to City of Columbus in order to alleviate an existing encroachment onto City property, for the preservation of the public health, peace, property, safety, and welfare; now, therefore:

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

SECTION 1. That the City of Columbus hereby accepts a Warranty Deed to the following described real property:

DESCRIPTION OF 0.140 ACRES

Split out of Lot 272 of "Maplehurst Subdivision"

Situate in the State of Ohio, County of Delaware, Township of Berkshire, lying in Farm Lot 3, Quarter Township 3, Township 4, Range 17, United States Military District, being part of Lot 272 as numbered and delineated upon the record plat of "Maplehurst Subdivision" of record in Plat Book 14, Page 112, and conveyed to Hal E. Mullins and Linda K. Mullins by deed of record in Deed Book 469, Pages 739 and 741, (all records herein of the Recorder's Office, Delaware County, Ohio) and being more particularly described as follows:

Beginning at a City of Columbus concrete monument found at the southeasterly corner of said Lot 272, a common corner to Lot 273 and a 0.141 acre tract split out of said Lot 272 and conveyed to James G. and Mary Patricia Holobaugh by deed of record in Deed Book 470, Page 365;

Thence South 75°38'06" West, a distance of 50.48 feet, along the northerly line of said 0.141 acre tract to an iron pipe set;

Thence North 21°31'39" West, a distance of 243.75 feet, across said Lot 272 to 5/8 inch rebar found at the northeasterly corner of said Lot 272, being on the westerly line of a 69.47 acre tract conveyed to the City of Columbus (Hoover Reservoir Property) by deed of record in Deed Book 260, Page 426;

Thence South 32°51'17" East, a distance of 255.01 feet, along the westerly line of said 69.47 acre tract and the easterly line of said Lot 272 to the Point of Beginning, containing 0.140 acres, (6104.49 square feet), more or less, being subject to all easements, restrictions and rights-of-way of record.

The bearings shown above are based on the Grid Bearing of North 86°14'12" East, between Franklin County Engineer's Monuments "Hoover" and "Hoover Azimuth" as determined by a GPS network of field observations for a field survey of City of Columbus property performed in 2000-2001 by R.D. Zande & Associates, Inc. (now known as Stantec Consulting Services, Inc.), (State Plane Coordinate System, North Zone).

All iron pipes set are 3/4 inch iron pipes, 30 inches in length, with a yellow cap bearing the name "STANTEC".

The herein described 0.140 acre shall not constitute an independent building site separate from the Grantee's adjacent parcel unless subsequently approved as such in accordance with applicable subdivision regulations. This 0.140 acre tract is to be transferred only to the adjoining City of Columbus tract (Hoover Reservoir Property), (Parcel Number 41731001038000).

This description was based on an actual field survey performed under my direct supervision. Stantec Consulting Services, Inc., Robert J. Sands Registered Surveyor No. S-8053.

SECTION 2. That the Director of the Department of Public Utilities be and hereby is authorized to execute those documents, as approved by the Department of Law, Real Estate Division, necessary to grant Hal E. Mullins and Linda K. Mullins, husband and wife a Quitclaim Deed in and to the following described real property, in exchange for a Deed for similar acreage to be granted to the City:

DESCRIPTION OF 0.140 ACRES

(West side of Hoover Reservoir)

Situate in the State of Ohio, County of Delaware, Township of Berkshire, lying in Farm Lot 3, Quarter Township 3, Township 4, Range 17, United States Military District, being part of a 69.47 acre tract conveyed to the City of Columbus (Hoover Reservoir Property) by deed of record in Deed Book 260, Page 426, (all records herein of the Recorder's Office, Delaware County, Ohio) and being more particularly described as follows:

Beginning at a 5/8 inch rebar found at the southeasterly corner of Lot 271 as numbered and delineated upon the record plat of "Maplehurst Subdivision" of record in Plat Book 14, Page 112, being a common corner of Lot 272 of said "Maplehurst Subdivision" and referenced by a City of Columbus concrete monument found (south 32°51'17" east, a distance of 255.01 feet) at the southeasterly corner of said Lot 272;

Thence North 32°51'17" West, a distance of 105.00 feet, along an easterly line of said Lot 271, a line common to a westerly line of said 69.47 acre tract to an iron pipe found (bent);

Thence North 15°34'32" East, a distance of 155.42 feet, continuing along the easterly line of said Lot 271, and the westerly line of said 69.47 acre tract to an iron pipe set at the northeasterly corner of said Lot 271, a common corner to Lot 270 and referenced by a City of Columbus monument found (north 15°34'32" east, a distance of 155.38 feet);

Thence South 03°39'48" East, a distance of 238.40 feet, across the said 69.47 acre tract to the Point of Beginning, containing 0.140 acres, (6104.49 square feet), more or less, and being subject to all easements, restrictions and rights-of-way of record.

The bearings shown above are based on the Grid Bearing of North 86°14'12" East, between Franklin County Engineer's Monuments "Hoover" and "Hoover Azimuth" as determined by a GPS network of field observations for a field survey of the City of Columbus property performed in 2000-2001 by R.D. Zande & Associates, Inc., (now known as Stantec Consulting Services, Inc.), (State Plane Coordinate System, North Zone).

All iron pipes set are 3/4 inch iron pipes, 30 inches in length, with a yellow cap bearing the name "STANTEC".

The herein described 0.140 acre shall not constitute an independent building site separate from the Grantee's adjacent parcel unless subsequently approved as such in accordance with applicable subdivision regulations. This 0.140 acre tract is to be transferred only to the adjoining lot, number 271 of "Maplehurst Subdivision", (Parcel Number 41731001035000).

This description was based on an actual field survey performed under my direct supervision. Stantec Consulting Services, Inc., Robert J. Sands Registered Surveyor No. S-8053.

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.