



## Legislation Details (With Text)

**File #:** 0102X-2009    **Version:** 1  
**Type:** Resolution    **Status:** Passed  
**File created:** 6/23/2009    **In control:** Judiciary And Court Administration Committee  
**On agenda:** 7/13/2009    **Final action:** 7/14/2009  
**Title:** To declare the necessity and intent to appropriate construction easements in, over, under and through real estate in connection with the Alum Creek Drive Improvement Project, and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/14/2009	1	MAYOR	Signed	
7/14/2009	1	CITY CLERK	Attest	
7/13/2009	1	Columbus City Council	Adopted	Pass
7/13/2009	1	COUNCIL PRESIDENT	Signed	
6/30/2009	1	Atty Drafter	Sent to Clerk's Office for Council	
6/26/2009	1	Atty Drafter	Sent for Approval	
6/26/2009	1	Atty Drafter	Sent for Approval	
6/26/2009	1	CITY ATTORNEY	Reviewed and Approved	
6/23/2009	1	Atty Drafter	Sent for Approval	

**Background:**

The following is a resolution to declare the necessity and intent to appropriate construction easements in, over, under and through real estate in connection with the Alum Creek Drive Improvement Project.

**Fiscal Impact:**

N/A

**Emergency Justification:**

Emergency action is requested to allow the acquisition of the parcels necessary for this project to proceed without delay in order to meet the Department of Public Service, Design and Construction's acquisition schedule.

To declare the necessity and intent to appropriate construction easements in, over, under and through real estate in connection with the Alum Creek Drive Improvement Project, and to declare an emergency.

WHEREAS, the City of Columbus is engaged in the Alum Creek Drive Improvement Project; and,

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Design and Construction in that it is immediately necessary to declare the necessity and intent to appropriate construction easements in, over, under and through the hereinbefore described real estate necessary for the aforementioned project so that there will be no delay in the project thereby preserving the public health, peace, property, safety, and welfare; now, therefore:

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

Section 1. That this Council hereby declares the necessity and intent to appropriate construction easements in, over, under and through the following described real estate necessary for the Alum Creek Drive Improvement Project, Project #597105 (fka 561004), pursuant to and in accordance with the Charter of the City of Columbus, Columbus City Code (1959) Revised, Chapter 909, the Constitution of the State of Ohio and Ohio Revised Code, Chapter 719; to-wit:

PARCEL 88T

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 18, Township-11-North, Range 21-West, Mathew's Survey of Congress Lands of 1795-1802, and being a part of that 1.059 acre tract as conveyed to United Dairy Farmers, Inc. by deed of record in Official Record 13496, Page D-19, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land located on the right side of the Plat of the Centerline of Right-of-Way of FRA-C.R. 122-4.14, as recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_;

Beginning for reference at Franklin County Monument #8820, at the intersection of the existing right-of-way centerline of Williams Road (County Road 123), with the existing right-of-way centerline of Alum Creek Drive (County Road 122), being 0.00 feet right of station 76+49.63;

Thence South 03 degrees 47 minutes 12 seconds West, a distance of 64.68 feet along the existing right-of-way centerline of said Alum Creek Drive, to a point in said centerline, being 0.00 feet right of station 75+84.95;

Thence South 86 degrees 12 minutes 48 seconds East, a distance of 90.00 feet, perpendicular to the existing right of way centerline of said Alum Creek Drive, to an iron pin set in the new easterly right-of-way line of said Alum Creek Drive, being 90.00 feet right of station 75+84.95, and being the Point of True Beginning;

Thence with a curve to the right, across said 1.059 acre tract, and along the new easterly right-of-way line of said Alum Creek Drive for 52.02 feet, having a radius of 35.00 feet, a central angle of 85 degrees 09 minutes 20 seconds, a chord direction of North 46 degrees 21 minutes 52 seconds East, and a chord distance of 47.36 feet, to a point of tangency in the existing southerly right-of-way line of said Williams Road, and the northerly line of said 1.059 acre tract, being 40.00 feet right of Williams Road station 31+00.82;

Thence North 88 degrees 56 minutes 32 seconds East, a distance of 55.48 feet long said existing southerly right-of-way line of said Williams Road, and the northerly line of said 1.059 acre tract, to a point of tangent curvature, being 40.00 feet right of Williams Road station 31+56.30.

Thence with a curve to the left, along the northerly line of said 1.059 acre tract, and along the existing southerly right-of-way line of said Williams Road for 73.23 feet, having a radius of 994.93 feet, a central angle of 04 degrees 13 minutes 01 seconds, a chord direction of North 86 degrees 50 minutes 01 seconds East, and a chord distance of 73.21 feet, to the northeast corner of said 1.059 acre tract, being 40.00 feet right of Williams Road station 32+26.59;

Thence South 03 degrees 47 minutes 12 seconds West, a distance of 10.13 feet along the easterly line of said 1.059 acre tract to a point being 50.00 feet right of Williams Road station 32+25.07;

Thence South 87 degrees 02 minutes 40 seconds West, a distance of 78.65 feet across said 1.059 acre tract to a point being 50.00 feet right of Williams Road station 31+50.00;

Thence South 88 degrees 56 minutes 32 seconds West, a distance of 50.00 feet across said 1.059 acre tract to a point being 50.00 feet of Williams Road station 31+00.00;

Thence South 63 degrees 56 minutes 06 seconds West, a distance of 19.68 feet across said 1.059 acre tract to a point being 105.00 feet right of Alum Creek Drive station 76+00.00;

Thence South 07 degrees 36 minutes 03 seconds West, a distance of 150.33 feet across said 1.059 acre tract to a point being 95.00 feet right of Alum Creek Drive station 74+50+00;

Thence South 03 degrees 47 minutes 12 seconds West, a distance of 70.55 feet across said 1.059 acre tract, and parallel to the new easterly right of way line of Alum Creek Drive, to a point in the southerly line of said 1.059 acre tract, and the existing northerly line of Reserve "B" of Madison Mills Section 1, as recorded in Plat Book 49, Page 102, said point being 95.00 feet right of Alum Creek Drive station 73+79.45;

Thence North 86 degrees 06 minutes 19 seconds West, a distance of 5.00 feet along the southerly line of said 1.059 acre tract, and along the existing northerly line of said Reserve "B" of Madison Mills Section 1, to the intersection with the new easterly right-of-way line of Alum Creek Drive, being 90.00 feet right of Alum Creek Drive station 73+79.46;

Thence North 03 degrees 47 minutes 12 seconds East, a distance of 205.50 feet, along the new easterly right-of-way line of Alum Creek Drive, and across said 1.059 acre tract to the Point of True Beginning, containing 0.078 acres, more or less;

Of the above described area, 0.078 acres is contained within the Franklin County Auditor's Parcel 530-214691;

The bearing datum of the afore-described parcel is based on the bearing of North 03 degrees 47 minutes 12 seconds East, for the centerline of Alum Creek Drive, from an adjusted field survey using G.P.S. methods using Franklin County Monuments #8819, #8820 and #8840 based on the Ohio State Plane Coordinate System, South Zone, NAD 83.

This description was based upon a survey of Alum Creek Drive and Williams Road by R.D. Zande & Associates, Inc. in March 1999, and prepared on January 27, 2009 by Tim A. Baker, Registered Surveyor 7818.

Iron pins set are  $\frac{3}{4}$  inches in diameter by 30 inches long with a 1- $\frac{1}{2}$  inch aluminum cap placed on top, bearing the name "ODOT R/W" and "R D ZANDE & ASSOC."

Grantor claims title by instrument of record in Official Record 13496, Page D19, of the Recorder's Office, Franklin County, Ohio.

Section 2. That the City Attorney be and hereby is authorized to cause a written notice of the adoption of this resolution to be served upon the owners, persons in possession of or persons having a real or possible interest of record in the above described premises in the manner provided by law.

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this resolution is declared to be an emergency measure and shall take effect and be in force from and after its adoption and approval by the Mayor, or ten days after adoption if the Mayor neither approves nor vetoes the same.