



Legislation Details (With Text)

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On agenda: 12/9/2013 **Final action:** 12/11/2013

Title: To authorize the Director of the Department of Finance and Management to execute documents approved by the Columbus City Attorney, Real Estate Division, to grant a perpetual easement to the State of Ohio, Department of Transportation, to construct a retaining wall to secure public right-of-way adjacent to a portion of City-owned real property located at Delaware County Tax Parcel 31932302001001; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|----------|--------|
| 12/11/2013 | 1 | CITY CLERK | Attest | |
| 12/11/2013 | 1 | ACTING MAYOR | Signed | |
| 12/9/2013 | 1 | COUNCIL PRESIDENT | Signed | |
| 12/9/2013 | 1 | Columbus City Council | Approved | Pass |

BACKGROUND :

The City of Columbus, Ohio, an Ohio municipal corporation ("City"), desires to grant to the State of Ohio, Department of Transportation ("ODOT"), a perpetual easement in, on, over, under, across, and through a portion of City-owned real property located in the vicinity of State Route 257, Powell, Ohio 43065 along the Scioto River [Delaware County Tax Parcel 31932302001001] ("Easement Area"). ODOT will use the Easement Area, which is more fully described within the body of this legislation, to construct a retaining wall to secure public right-of-way adjacent to the Easement Area for ODOT's [DEL-257-0.00 - PID 89487] Project ("Project"). The City's Department of Finance and Management determined that the Easement Area requested by ODOT to complete its Project should be granted at no charge, because of the Project's benefit to the public and intergovernmental cooperation. Therefore, the following legislation authorizes the City's Director of the Department of Finance and Management to execute those documents approved the Columbus City Attorney, Real Estate Division, to grant a perpetual easement to ODOT to complete the Project.

CONTRACT COMPLIANCE No: Not applicable.

FISCAL IMPACT : Not applicable.

EMERGENCY JUSTIFICATION : Emergency action is requested so to not delay the benefit to the City resulting from ODOT'S Project, which will preserve the public peace, health, property, safety, and welfare.

To authorize the Director of the Department of Finance and Management to execute documents approved by the Columbus City Attorney, Real Estate Division, to grant a perpetual easement to the State of Ohio, Department of Transportation, to construct a retaining wall to secure public right-of-way adjacent to a portion of City-owned real

property located at Delaware County Tax Parcel 31932302001001; and to declare an emergency. (\$0.00)

WHEREAS, the City desires to grant ODOT a perpetual easement in, on, over, under, across, and through a portion of City-owned real property located in the vicinity of State Route 257, Powell, Ohio 43065 along the Scioto River [Delaware County Tax Parcel 31932302001001] (“Easement Area”);

WHEREAS, ODOT will use the Easement Area, which is more fully described within the body of this legislation, to construct a retaining wall to secure public right-of-way adjacent to the Easement Area for ODOT’s [DEL-257-0.00 - PID 89487] Project (“Project”);

WHEREAS, the City’s Department of Finance and Management determined that the Easement Area requested by ODOT to complete its Project should be granted at no charge, because of the Project’s benefit to the public and intergovernmental cooperation;

WHEREAS, the following legislation authorizes the Director of the Department of Finance and Management to execute those documents approved the Columbus City Attorney, Real Estate Division, to grant a perpetual easement to ODOT to complete the Project;

WHEREAS, an emergency exists in the usual daily operation of the City, because it is immediately necessary to authorize the Director of the Department of Finance and Management to execute and grant a perpetual easement to ODOT, and any other ancillary instruments, as approved by the Columbus City Attorney, Real Estate Division, in, on, over, under, across, and through the Easement Area to complete the Project, which will preserve the public health, peace, property, safety, and welfare; **now, therefore**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO (“CITY”):

SECTION 1. That the Director of the Department of Finance and Management is authorized to execute and grant a perpetual easement and any other ancillary instruments approved by the Columbus City Attorney, Real Estate Division, to the State of Ohio, Department of Transportation (“ODOT”), in, on, over, under, across, and through the following tract of City-owned real property to construct a retaining wall to secure public right-of-way adjacent to the Easement Area for ODOT’s [DEL-257-0.00 - PID 89487] Project:

ODOT PARCEL 2-SH: 0.702 ACRE EASEMENT AREA [DEL-257-0.00]

Situated in the State of Ohio, County of Delaware, Township of Liberty, Farm Lot 22, Quarter Township 3, Township 3 North, Range 19 West, United States Military Lands, being a part of a 11.019 acre tract of land by Auditor’s record to the City of Columbus, (*Scioto River Bed - no record of on file* in the Recorder’s Office of Delaware County, Ohio) and being a parcel of land lying on the left side of the existing centerline of right-of-way for S.R. 257 (Riverside Drive) as shown on the Centerline Plat and Right of Way Plans for DEL-257-0.00 and being particularly described as follows:

Beginning for reference at a concrete monument found in the Franklin and Delaware County Line, said line also being the north line of a 0.159 acre tract of land as described in a deed to Bonnie S. Dietrich, et. al. in Official Record 06759J15 on file in the Recorder’s Office of Franklin County, Ohio, same being the south line of Lot 3911 as the same is numbered and delineated on the subdivision plat entitled “Wedgewood Section 10” and described in a deed to Board of Trustees of Liberty Township, of record in Official Record 168, Page 2024 on file in the Recorder’s Office of Delaware County, Ohio, said monument being located 128.56 feet left from the existing centerline of right-of-way for S.R. 257 (Riverside Drive) at station 102+0835;

Thence **N 87 degrees 10 minutes 45 seconds W** a distance of **88.50 feet** along the north line of said 0.159 acre tract and the south line of said Lot 3911 to the low water mark of the east bank of a 11.019 acre tract of land by deed to the City of Columbus, (*Scioto River Bed - no record of on file* in the Recorder’s Office of Delaware County, Ohio), said point being also the southwest corner of said Lot 3911 and being 206.75 feet left from centerline station 102+46.46;

Thence **N 07 degrees 08 minutes 41 seconds W** a distance of **242.55 feet** along the low water mark of the east bank of said City of Columbus (*Scioto River Bed*) 11.019 acre tract and the westerly boundary line of said Lot 3911 to point located 146.80 feet left from centerline station 104+65.11 and the **TRUE POINT OF BEGINNING**;

Thence with the following five (5) new courses and distances across said City of Columbus (*Scioto River Bed*) 11.019 acre tract:

- 1) **S 70 degrees 39 minutes 29 seconds W** a distance of **54.17 feet** to an angle point, being 200.98 feet left from centerline station 104+65.13;
- 2) **N 04 degrees 24 minutes 38 seconds W** a distance of **362.83 feet** to an angle point, being 107.36 feet left from centerline station 108+15.67;
- 3) **N 11 degrees 52 minutes 35 seconds W** a distance of **96.54 feet** to an angle point, being 94.78 feet left from centerline station 109+11.39;
- 4) **N 19 degrees 20 minutes 31 seconds W** a distance of **268.70 feet** to an angle point, being 94.69 feet left from centerline station 111+80.09;
- 5) **N 01 degrees 53 minutes 31 seconds E** a distance of **49.74 feet** to the low water mark of the east bank of said City of Columbus (*Scioto River Bed*) 11.019 acre tract and the westerly boundary line of said Lot 3911, being 76.59 feet left from centerline station 112+26.70;

Thence **S 32 degrees 14 minutes 41 seconds E** a distance of **116.31 feet** along the low water mark of the east bank of said City of Columbus (*Scioto River Bed*) 11.019 acre tract and the westerly boundary line of said Lot 3911 to an angle point, being 50.73 feet left from centerline station 111+13.07;

Thence **S 16 degrees 49 minutes 41 seconds E** a distance of **257.00 feet** along the low water mark of the east bank of said City of Columbus (*Scioto River Bed*) 11.019 acre tract and the westerly boundary line of said Lot 3911 to an angle point, being 62.09 feet left from centerline station 108+56.32;

Thence **S 07 degrees 08 minutes 41 seconds E** a distance of **400.28 feet** along the low water mark of the east bank of said City of Columbus (*Scioto River Bed*) 11.019 acre tract and the westerly boundary line of said Lot 3911 to the **TRUE POINT OF BEGINNING**.

The above described area contains a total of **0.702 acres**, within Delaware County Auditor's Parcel Number 319-323-02-001-001, which includes 0.000 acres in the present road occupied.

Irons pins indicated as set are 5/8" x 30" rebars with yellow cap inscribed "RII".

This description was prepared by Mark S. Ward, Professional Surveyor No. S-7514, and was based on available public records and actual field survey of the premises performed by Resource International, Inc. in October 2012, through March 2013. Bearings used in this description are based on Ohio State Plane Coordinated, North Zone, NAD 83 (CORS 96).

RESOURCE INTERNATIONAL, INC.
MARK S. WARD, P.S. № S-7514

SECTION 2. That for the reasons stated in the preamble hereto, which are 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 (10) days after its passage if the Mayor neither approves nor vetoes the same.