



## Legislation Details (With Text)

**File #:** 0043-2005      **Version:** 1

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

**File created:** 1/3/2005      **In control:** Recreation & Parks Committee

**On agenda:** 1/24/2005      **Final action:** 1/26/2005

**Title:** To authorize the Executive Director of the Department of Recreation and Parks to execute those documents necessary to release certain scenic/conservation/walkway-bikeway easements in and to certain real property, located in the vicinity of New Albany Road East and New Albany Road, in exchange for equal replacement easements to be granted to the City; to waive the Land Review Commission and competitive bidding provisions of the Columbus City Codes (1959) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
1/26/2005	1	MAYOR	Signed	
1/26/2005	1	CITY CLERK	Attest	
1/24/2005	1	Columbus City Council	Approved	Pass
1/24/2005	1	COUNCIL PRESIDENT	Signed	
1/10/2005	1	Atty Drafter	Sent to Clerk's Office for Council	
1/7/2005	1	REC & PARKS DIRECTOR	Reviewed and Approved	
1/7/2005	1	Rec & Parks Drafter	Sent for Approval	
1/7/2005	1	Atty Drafter	Sent for Approval	
1/7/2005	1	CITY ATTORNEY	Reviewed and Approved	
1/6/2005	1	Atty Drafter	Sent for Approval	
1/5/2005	1	Atty Reviewer	Reviewed and Approved	
1/3/2005	1	Atty Drafter	Sent for Approval	

**Background:** The City of Columbus, Ohio, holds title to a scenic/conservation/walkway-bikeway easement in and to certain real property, located in the vicinity of New Albany Road East and New Albany Road, by virtue of a recorded easement I.N. 200004060067146. Wishbone Partners, LLC, an Ohio limited liability company, has requested that certain easements be released in exchange for equal replacement easements to be granted to the City. The Department of Recreation & Parks has determined that the release of certain portions of said easement in exchange for the replacement easements will not be detrimental to the City of Columbus, Ohio and therefore should be allowed at no charge. The following legislation authorizes the Executive Director of the Department of Recreation and Parks to execute those documents necessary to release the aforementioned easements in exchange for equal replacements.

**Fiscal Impact:** N/A

**Emergency Justification:** Emergency action is desired and requested by the Division of Real Estate to allow the immediate release

of the subject easements in exchange for equal replacement easements, as not to delay the subsequent benefit to the City.

To authorize the Executive Director of the Department of Recreation and Parks to execute those documents necessary to release certain scenic/conservation/walkway-bikeway easements in and to certain real property, located in the vicinity of New Albany Road East and New Albany Road, in exchange for equal replacement easements to be granted to the City; to waive the Land Review Commission and competitive bidding provisions of the Columbus City Codes (1959) and to declare an emergency.

WHEREAS, the City of Columbus, Ohio, holds title to certain scenic/conservation/walkway-bikeway easements in and to certain real property, located in the vicinity of New Albany Road East and New Albany Road, by virtue of a recorded easement I.N. 200004060067146; and

WHEREAS, Wishbone Partners, LLC, an Ohio limited liability company, has requested that certain easements be released in exchange for equal replacement easements to be granted to the City; and

WHEREAS, the Department of Recreation & Parks has determined that the release certain easements in exchange for equal replacement easements will not be detrimental to the City of Columbus, Ohio and therefore should be allowed at no charge; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, that it is immediately necessary to authorize the Executive Director of the Department of Recreation and Parks to execute those instruments prepared by the Real Estate Division, Department of Law, necessary to release certain easements in exchange for equal replacement easements so as not to delay the benefit to the City 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 City of Columbus hereby accepts the following describe real property to be used for park purposes:

0.11 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Lot 13, Quarter Township 2, Township 2, Range 16, United States Military Lands, being a part of that tract of land as conveyed to Wishbone Partners, LLC of record in Instrument Number 20040816019065 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning for reference at a point on a curve in the westerly right-of-way line of New Albany Road East of record in Plat Book 92, Page 60-61, said point also being the northeasterly corner of Wishbone Partners, LLC tract;

Thence with said westerly right-of-way line and with the arc of a curve to the right having a central angle of 27° 11' 11", a radius of 950.00 feet, an arc length of 450.77 feet, a chord bearing and distance of S 43° 49' 22" W, 446.55 feet, to a point;

Thence across said Wishbone Partners, LLC tract and the southerly line of said Scenic Conservation Walkway - Bikeway Easement line, the following courses and distances:

N 55° 08' 06" W, a distance of 457.13 feet, to a point;

N 86° 27' 15" W, a distance of 131.42 feet to the True Point Of Beginning, for this description;

N 77° 04' 53" W, a distance of 253.89 feet, to a point in the southerly line of said Scenic Conservation Walkway - Bikeway Easement;

Thence with said southerly line of the Scenic Conservation Walkway - Bikeway Easement, the following courses and distances:

N 88° 33' 06" E, a distance of 40.00 feet, to a point;

S 87° 37' 04" E, a distance of 145.73 feet, to a point;

S 50° 06' 28" E, a distance of 80.63 feet to the True Point Of Beginning, and containing 0.11 acre of land, more or less.

EMH&T, Inc., James M. Pearsall, P.S. #7840, 10/7/04.

0.11 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, Located in Lot 14, Quarter Township 2, Township 2, Range 16, United States Military Lands, being a part of that tract of land as conveyed to Wishbone

Partners, LLC of record in Instrument Number 20040816019065 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning for reference at a point on a curve in the easterly right-of-way line of New Albany Road West of record in Plat Book 103, Page 32-33, said point also being the northwesterly corner of Wishbone Partners, LLC tract;

Thence with said easterly right-of-way line and with the arc of a curve to the left having a central angle of 13° 13' 18", a radius of 950.00 feet, an arc length of 224.20, a chord bearing and distance of S 48° 21' 29" E, 223.68 feet, to a point in the southerly line of said Scenic Conservation Walkway - Bikeway Easement;

Thence with said southerly line of the Scenic Conservation Walkway - Bikeway Easement line, the following courses and distances:

N 83° 55' 57" E, a distance of 230.30 feet, to a point;

N 15° 01' 39" E, a distance of 223.25 feet, to the True Point Of Beginning, for this description;

N 15° 01' 39" E, a distance of 3.49 feet, to a point;

N 26° 26' 24" E, a distance of 83.08 feet, to a point;

N 54° 42' 59" E, a distance of 34.70 feet, to a point;

S 70° 12' 59" E, a distance of 69.00 feet, to a point;

S 78° 41' 57" E, a distance of 2.35 feet, to a point in the southerly line of said Scenic Conservation Walkway - Bikeway Easement;

Thence S 60° 59' 37" W, across said southerly line, a distance of 152.60 feet to the True Point Of Beginning, and containing 0.11 acre of land, more or less.

EMH&T, Inc., James M. Pearsall, P.S. #7840, 10/7/04.

Franklin County Tax Parcel Number 010-242023.

Section 2. That the Executive 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 release all scenic/conservation/walkway-bikeway easement rights in and to the following described real property (in exchange for equal replacement easements):

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Lot 14, Quarter Township 2, Township 2, Range 16, United States Military Lands, being a portion of a Scenic/Conservation/Walkway-Bikeway Easement, of record in Instrument Number 200004060067146 located within that tract of land as conveyed to Wishbone Partners, LLC of record in Instrument Number 20040816019065 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning for reference at a point on a curve in the easterly right-of-way line of New Albany Road West, of record in Plat Book 103, Page 32-33, said point also being the northwesterly corner of Wishbone, Partners, LLC tract;

Thence with said easterly right-of-way line and with the arc of a curve to the left having a central angle of 13° 31' 18", a radius of 950.00 feet, an arc length of 224.20, a chord bearing and distance of S 48° 21' 29" E, 223.68 feet, to a point in the southerly line of said Scenic/Conservation/Walkway-Bikeway Easement;

Thence N 83° 55' 57" E, with said southerly easement line, a distance of 230.30 feet, to the True Point Of Beginning for this description;

Thence across said Scenic/Conservation/Walkway-Bikeway Easement the following courses and distances:

N 40° 57' 18" E, a distance of 50.00 feet, to a point;

N 52° 47' 08" E, a distance of 50.00 feet, to a point;

N 64° 25' 44" E, a distance of 50.00 feet, to a point in said southerly line of the Scenic/Conservation/Walkway-Bikeway Easement;

Thence with said southerly easement line the following courses:

S 15° 01' 39" W, a distance of 82.15 feet, to a point;

S 83° 55' 57" W, a distance of 96.94 feet, to the True Point Of Beginning, and containing 0.11 acre of land, more or less.

EMH&T, Inc., James M. Pearsall, P.S. #7840, 10/7/04.

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Lot 13, Quarter Township 2, Township 2, Range 16, United States Military Lands, being a portion of a Scenic/Conservation/Walkway-Bikeway Easement, of record in Instrument Number 200004060067146 located within that tract of land as conveyed to Wishbone Partners, LLC of record in Instrument Number 20040816019065 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning for reference at a point on a curve in the westerly right-of-way line of New Albany Road East,

of record in Plat Book 92, Page 60-61, said point also being the northeasterly corner of Wishbone Partners, LLC tract;

Thence with said westerly right-of-way line and with the arc of a curve to the right having a central angle of 27° 11' 11", a radius of 950.00 feet, an arc length of 450.77 feet, a chord bearing and distance of S 43° 49' 22" W, 446.55 feet, to a point;

Thence N 55° 08' 06" W, across said Wishbone Partners, LLC tract, a distance of 139.86 feet, to a point in said Scenic/Conservation/Walkway-Bikeway Easement line also being the True Point Of Beginning for this description;

Thence across said Scenic/Conservation/Walkway-Bikeway Easement the following courses and distances:

N 65° 30' 19" W, a distance of 194.28 feet, to a point;

N 32° 34' 18" W, a distance of 91.14 feet, to a point in the southerly line of said Scenic/Conservation/Walkway-Bikeway Easement line;

Thence S 55° 08' 06" E, with said southerly line, a distance of 275.28 feet, to the True Point Of Beginning, and containing 0.11 acre of land, more or less.

Section 3. 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, Chapter 328 (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 4. That for the reasons state 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.