



Legislation Details (With Text)

File #: 0054X-2011 **Version:** 1
Type: Resolution **Status:** Passed
File created: 4/8/2011 **In control:** Public Service & Transportation Committee
On agenda: 4/25/2011 **Final action:** 4/27/2011

Title: To declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the OSIS Downtown Odor Control Facilities Phase 2 Short Street Project, and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/27/2011	1	MAYOR	Signed	
4/27/2011	1	CITY CLERK	Attest	
4/25/2011	1	Columbus City Council	Adopted	Pass
4/25/2011	1	COUNCIL PRESIDENT	Signed	
4/13/2011	1	CITY ATTORNEY	Reviewed and Approved	
4/13/2011	1	Atty Drafter	Sent to Clerk's Office for Council	
4/11/2011	1	Atty Reviewer	Reviewed and Approved	
4/11/2011	1	Atty Drafter	Sent for Approval	
4/8/2011	1	Atty Drafter	Sent for Approval	

The following is a resolution to declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the OSIS Downtown Odor Control Facilities Phase 2 Short Street 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 that the project may meet its deadline.

To declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the OSIS Downtown Odor Control Facilities Phase 2 Short Street Project, and to declare an emergency.

WHEREAS, the City of Columbus is engaged in OSIS Downtown Odor Control Facilities Phase 2 Short Street Project; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Division of Design and Construction, in that it is immediately necessary to declare the necessity and intent to appropriate fee simple title and lesser interests in and to 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 fee simple title and lesser interests in and to the following described real estate necessary for the OSIS Downtown Odor Control Facilities Phase 2 Short Street Project #530161-100072, 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:

1WD

LEGAL DESCRIPTION OF A CERTAIN 0.006 ACRE PERMANENT RIGHT-OF-WAY TAKE
CONTAINED WITHIN FRANKLIN COUNTY AUDITOR PARCEL NUMBER 010-057630-00

Situated in the State of Ohio, County of Franklin, City of Columbus, Half Section 27, Township 5 North, Range 22 West of the Refugee Lands, being a part of Lot Number 3 of the Neely Sawhill Estate Plat B, Probate Court Complete Record Volume 6, Page 235, being a portion of vacated right-of-way of Short Street, City of Columbus Ordinance Number 1974-96, and being 0.006 acres out of a 0.024 acre tract conveyed to GMB Company by deed of record filed as Official Record Book Volume 33718, Page B09 (all deed references are to the Franklin County Recorder's Office unless otherwise stated) being more particularly described as follows:

COMMENCING FOR REFERENCE at a PK nail found at the southeast corner of a 8.480 acre tract known as Franklin County Auditor's Parcel Number 010-066817-00 conveyed to the City of Columbus in three parcels: (one) by order of the Probate Court, Franklin County, Ohio, Case Number 20676, and by Columbus City Council Ordinance Number 24488; (two) by Judgment Entry in Case Number 215045 of record in Official Record 26749, Page A01; (three) by Quitclaim Deed of record in Deed Book Volume 3103, Page 225, the said PK nail also being at the intersection of the westerly existing right-of-way line

of Short Street (width varies) as dedicated by City of Columbus Ordinance Number 1366-61 and the northerly line of a 20 foot wide alley platted as part of Benjamin Sells Partition recorded in Deed Book Volume 27, Page 271;

Thence crossing the said 20 foot wide alley, South 06 degrees 00 minutes 36 seconds West for a distance of 20.01 feet to the northeast corner of the said 0.024 acre tract, the said point also being at the intersection of the westerly existing right-of-way line of Short Street and the southerly line of the said 20 foot wide alley and the POINT OF BEGINNING of the parcel herein described;

Thence along the said westerly right-of-way line, South 16 degrees 56 minutes 30 seconds East for a distance of 43.54 feet to an iron pipe set;

Thence crossing through the said 0.024 acre tract, South 73 degrees 03 minutes 30 seconds West for a distance of 6.55 feet to an iron pipe set on the westerly line of the said 0.024 acre tract and no the easterly line of a 1.645 acre tract conveyed to GMB Company by deed of record filed as Official Record Book Volume 21847, Page E14;

Thence along a common line of the two tracts, North 16 degrees 15 minutes 44 seconds West for a distance of 45.88 feet to an iron pipe set on the southerly line of the said 20 foot wide alley;

Thence along the said southerly alley line, South 85 degrees 41 minutes 01 seconds East for a distance of 6.44 feet to the POINT OF BEGINNING, containing 0.006 acres of land, more or less.

The above described 0.006 acres, including 0.000 acres within the present road occupied, are contained within Franklin County Auditor Permanent Parcel Number 010-057630-00 having a record area of 1.1424 acres, and is subject to all easements and restrictions of record.

All iron pipes set are 3/4" diameter, 30" in length, and bear a cap inscribed "DLZ OHIO".

Bearings are based on the Ohio State Plan Coordinate System, South Zone, and reference the North American Datum of 1983 and the CORS adjustment (NAD 83 (CORS)) with ties to geodetic stations "HARMON AE" and "COLB" which have a relative bearing of North 27 degrees 36 minutes 22 seconds West.

A drawing is attached hereto and is made a part hereof.

The above description is based on a survey conducted by DLZ Ohio, Inc. in July of 2010, performed under the direct supervision of Russell Koenig, Ohio Registered Professional Surveyor number 8358.

1T

LEGAL DESCRIPTION OF A CERTAIN 0.007 ACRE TEMPORARY CONSTRUCTION EASEMENT
CONTAINED WITHIN FRANKLIN COUNTY AUDITOR PARCEL NUMBER 010-057630-00

Situated in the State of Ohio, County of Franklin, City of Columbus, Half Section 27, Township 5 North, Range 22 West of the Refugee Lands, being a part of Lot Number 3 of the Neely Sawhill Estate Plat B, Probate Court Complete Record Volume 6, Page 235, being a portion of vacated right-of-way of Short Street, City of Columbus Ordinance Number 1974-96, and being 0.007 acres out of a 0.024 acre tract conveyed to GMB Company by deed of record filed as Official Record Book Volume 33718, Page B09 and a 1.645 acre tract also conveyed to GMB Company by deed of record filed as Official Record Book Volume 21847, Page E14 (all deed references are to the Franklin County Recorder's Office unless otherwise stated) being more particularly described as follows:

COMMENCING FOR REFERENCE at a PK nail found at the southeast corner of a 8.480 acre tract known as Franklin County Auditor's Parcel Number 010-066817-00 conveyed to the City of Columbus in three parcels: (one) by order of the Probate Court, Franklin County, Ohio, Case Number 20676, and by Columbus City Council Ordinance Number 24488; (two) by Judgment Entry in Case Number 215045 of record in Official Record 26749, Page A01; (three) by Quitclaim Deed of record in Deed Book Volume 3103, Page 225, the said PK nail also being at the intersection of the westerly existing right-of-way line of Short Street (width varies) as dedicated by City of Columbus Ordinance Number 1366-61 and the northerly line of a 20 foot wide alley platted as part of Benjamin Sells Partition recorded in Deed Book Volume, 27, Page 271; Thence crossing the said 20 foot wide alley, South 06 degrees 00 minutes 36 seconds West for a distance of 20.01 feet to the northeast corner of the said 0.024 acre tract, the said point also being at the intersection of the westerly existing right-of-way line of Short Street and the southerly line of the said 20 foot wide alley; Thence along the said westerly right-of-way line, South 16 degrees 56 minutes 30 seconds East for a distance of 43.54 feet to an iron pipe set, the said pipe being the POINT OF BEGINNING of the parcel herein described;

Thence continuing along the said westerly right-of-way line, South 16 degrees 56 minutes 30 seconds East for a distance of 5.00 feet to a point;

Thence crossing through the lands of the Grantor, South 73 degrees 03 minutes 30 seconds West for a distance of 11.61 feet to a point;

Thence continuing through the lands of the Grantor, North 16 degrees 15 minutes 44 seconds West for a distance of 52.82 feet to a point on the southerly line of the said 20 foot wide alley;

Thence along the said southerly alley line, South 85 degrees 41 minutes 01 seconds East for a distance of 5.34 feet to an iron pipe set at the northeast corner of the said 1.645 acre tract and the northwest corner of the said 0.024 acre tract;

Thence along a common line of the two tracts, South 16 degrees 15 minutes 44 seconds East for a distance of 45.88 feet to an iron pipe set;

Thence crossing through the said 0.024 acre tract, North 73 degrees 03 minutes 30 seconds East for a distance of 6.55 feet to the POINT OF BEGINNING, containing 0.007 acres of land, more or less.

The above described 0.007 acres, including 0.000 acres within the present road occupied, are contained within Franklin County Auditor Permanent Parcel Number 010-057630-00 having a record area of 1.1424 acres, and is subject to all easements and restrictions of record.

All iron pipes set are 3/4" diameter, 30" in length, and bear a cap inscribed "DLZ OHIO".

Bearings are based on the Ohio State Plane Coordinate System, South Zone, and reference the North American Datum of 1983 and the CORS adjustment (NAD 83 (CORS)) with ties to geodetic stations "HARMON AE" and "COLB" which have a relative bearing of North 27 degrees 36 minutes 22 seconds West.

A drawing is attached hereto and is made a part hereof.

The above description is based on a survey conducted by DLZ Ohio, Inc. in July of 2010, performed under the direct supervision of Russell Koenig, Ohio Registered Professional Surveyor number 8358.

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.