



Legislation Details (With Text)

File #: 0573-2009 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 4/9/2009 **In control:** Judiciary And Court Administration Committee

On agenda: 5/4/2009 **Final action:** 5/6/2009

Title: To authorize the Director of Public Utilities to execute all deeds and ancillary documents, between the City and Wahneta Jean A. Barnes, necessary for the exchange of equal acres of real property; the sale of an additional 40 +/- acres to Ms. Barnes; the City's acceptance of waterline easements; to 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; and to declare and emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/6/2009	1	MAYOR	Signed	
5/6/2009	1	CITY CLERK	Attest	
5/4/2009	1	Columbus City Council	Approved	Pass
5/4/2009	1	COUNCIL PRESIDENT	Signed	
4/21/2009	1	Atty Drafter	Sent to Clerk's Office for Council	
4/20/2009	1	CITY ATTORNEY	Reviewed and Approved	
4/17/2009	1	Atty Drafter	Sent for Approval	
4/16/2009	1	Atty Reviewer	Reviewed and Disapproved	
4/9/2009	1	Atty Drafter	Sent for Approval	

Background: The City of Columbus ("City"), Division of Water ("DOW"), owns certain real property, approximately 94.99 acres, in northern Delaware County, commonly referred to as the "Zieg Farm". In an effort to expand the size of a future upground reservoir the DOW desires to exchange the "Zieg Farm", while reserving easement rights thereon, for a more ideal property, a 128 +/- acre parcel owned by Ms. Wahneta Jean A. Barnes. In order to complete this exchange on an even acre per acre basis, an additional 33.01 +/- acres will be conveyed to Ms. Barnes from a separate 150 +/- acre tract, which the City will acquire pursuant to a purchase contract it has Kenneth Lee Davis and Charlotte A. Davis, Co-Trustees, and as authorized under Ordinance No. 0555-2005. The result being an equal exchange of 128 acres for 128 acres. The DOW also desires to sell an additional 40 +/- acres from the 150 acre tract to Ms. Barnes for \$189,892.00. The 40 +/- acres will not be needed for the future upground reservoir. As additional consideration, Ms. Barnes will convey waterline easements for additional properties in the area for which she has ownership rights and which are necessary for the upground reservoirs. The DOW has determined that the exchange of subject properties, the sale of the additional property, and the City's acceptance of the waterline easements is in the best interest of the City and should be allowed.

Fiscal Impact: \$189, 982.00 to be paid to the City, subject to closing costs and tax pro-rations.

Emergency Justification: Emergency action is requested to allow this acquisition and closing to occur pursuant to the terms of the real estate purchase contract(s).

To authorize the Director of Public Utilities to execute all deeds and ancillary documents, between the City and Wahnetta Jean A. Barnes, necessary for the exchange of equal acres of real property; the sale of an additional 40 +/- acres to Ms. Barnes; the City's acceptance of waterline easements; to 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; and to declare an emergency.

WHEREAS, The Division of Water continues to work to increase the safe yield of its surface water supply; and

WHEREAS, The City of Columbus ("City") is the owner of certain real property "Zieg Farm" totaling approximately 94.99 acres +/-, Delaware County Tax Parcel No. 10020001091000, which will not be needed for the construction of an upground reservoir; and

WHEREAS, Wahnetta Jean A. Barnes ("Owner"), the owner of certain real property totaling approximately 128 acres +/-, Delaware County Tax Parcel No. 1002001089000, desires to sell and otherwise exchange this property for the "Zieg Farm" 94.99 acres +/-, subject to the City reserving easements thereon; and

WHEREAS, The City and Owner wish to exchange the properties on an even acre for acre basis, subject to closing costs and tax pro-rations; and

WHEREAS, The City has the right to purchase a separate property, approximately 150 acres +/-, Delaware County Tax Parcel No. 1002001004000, pursuant to a purchase contract it has with Kenneth Lee Davis and Charlotte A. Davis, as authorized by Ordinance No. 0555-2005; and

WHEREAS, The City and Owner wish to exchange 33.01 +/- acres from Tax Parcel No. 1002001004000, in addition to the 94.99 acre "Zieg Farm", thereby totaling approximately 128 acres +/- for the approximately 128 acres +/- tract owned by Owner; and

WHEREAS, The Owner also desires to purchase an additional 40 acres +/-, which the City will not need for construction of an upground reservoir, from the 150 acre +/- tract, Delaware County Parcel No. 1002001004000, for approximately \$189,892.00; and

WHEREAS, The Owner further agrees, as additional consideration, to obtain and convey fully executed waterline easements, which are necessary for the upground reservoir waterlines; and

WHEREAS, the Division of Water has determined that the exchange of subject properties, sale of the additional property, and acceptance of the waterline deed of easements will not adversely affect the City and it is in the best interest of the City and should be allowed; and

WHEREAS, an emergency exists in the usual daily operation of the City, in that it is necessary to authorize the Director of Public Utilities, in conjunction with the City Attorney's Office, to execute those documents necessary effectuate the sale and any ancillary documents, between the City and Wahnetta Jean A. Barnes, necessary for the exchange of equal acres of real property; the sale an additional 40 acres +/- to Ms. Barnes; the City's acceptance of waterline easements; to waive competitive Review Commission provisions of the Columbus City Codes (1959), 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 Director of Public Utilities, in conjunction with the City Attorney's Office, be and hereby is authorized to execute those documents, as approved by the Department of Law, Real Estate Division, necessary to deed and convey by quitclaim deed the following described City owned real property, Delaware County Tax Parcel No. 1002001091000, to Wahnetta Jean A. Barnes, reserving to the City the following described waterline easement areas:

68.291 +/- acres

Situated in Part of Lot #31, Jonathan Clark Survey Number 3021 in the Virginia Military Lands, Thompson Township, Delaware County, State of Ohio and being more particularly described as follows;

Beginning at a Railroad Spike located at the intersection of the centerline of County Road 183 with the centerline of Township Road 185 as said centerline is produced northward; thence N 0° 01' 40" E along the centerline of Township Road 185 for a distance of 1773.55 feet to a Railroad Spike at Grantor's northwest corner; thence N 88° 59' 10" E along Grantor's north line for a distance of 1577.41 feet to Grantor's northeast corner; thence S 0° 20' 20" E along Grantor's east line for a distance of 2039.13 feet to an existing Iron Bar located on the

centerline of County Road 183; thence N 81° 30' 00" W along the centerline of County Road 183 for a distance of 60.73 feet to a Railroad Spike; thence N 0° 20' 20" W for a distance of 176.34 feet to an iron pin; thence N 81° 30' 00" W for a distance of 250.00 feet to an iron pin; thence S 0° 20' 20" E for a distance of 176.34 feet to a Railroad Spike on the centerline of County Road 183; thence N 81° 30' 00" W along the centerline of County Road 183 for a distance of 1297.02 feet to a Railroad Spike and the place of beginning.

Containing 68.291 acres more or less and subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Thomas L. Boblenz, Registered Surveyor 5719, and dated October 12, 1978.

26.699 +/- acres

Situated in Part of Lot #31, Jonathan Clark Survey Number 3021 in the Virginia Military Lands, Thompson Township, Delaware County, State of Ohio and being more particularly described as follows;

Beginning at an existing railroad spike located at the intersection of the centerline of County Road 183 with the centerline of Township Road 185 as said centerline is produced southward; thence S 0° 56' 40" E along the centerline of Township Road 185 for a distance of 790.48 feet to a Railroad Spike; thence N 89° 01' 50" E along Grantor's south line for a distance of 1912.46 feet to Grantor's southeast corner; thence N 1° 02' 45" W along Grantor's east line for a distance of 471.67 feet to an existing Railroad Spike on the centerline of County Road 183; thence N 81° 30' 00" W along the centerline of County Road 183 for a distance of 646.60 feet to a Railroad Spike; thence S 0° 56' 40" E for a distance of 176.63 feet to an Iron Pin; thence N 81° 30' 00" W for a distance of 250.00 feet to an iron pin; thence N 0° 56' 40" W for a distance of 176.63 feet to a Railroad Spike on the centerline of County Road 183; thence N 81° 30' 00" W along the centerline of County Road 183 for a distance of 713.75 feet to an existing Railroad Spike and the place of beginning.

Containing 26.699 acres more or less and subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Thomas L. Boblenz, Registered Surveyor 5719, and dated October 12, 1978.

Description of Reserved Waterline Easement Area

Situated in the State of Ohio, County of Delaware, Township of Thompson, being a part of Clark's Virginia Military Survey No. 3021, and being an easement area over and across a 26.699 acre tract described as Tract 2 in a deed to City of Columbus, as recorded in Deed Book 562, Page 559, on file at the Recorder's Office, Delaware County, Ohio, said easement area being more particularly bounded and described as follows:

Beginning at a railroad spike found at the intersection of the centerline of Hoskins Road with the centerline of Mooney Road as it is projected to the south, said point being the northwesterly corner of the said 26.699 acre tract;

Thence South 78°55'45" East, along the centerline of Hoskins Road, along the northerly line of the said 26.699 acre tract, a distance of 201.42 feet to a point;

Thence crossing the said 26.699 acre tract by the following two (2) described courses:

1. South 46°38'22" West, a distance of 167.86 feet to an angle point;
2. South 01°38'22" West, along a line parallel to and 80.00 feet easterly from the centerline of the said Mooney Road, a distance of 638.73 feet to a point in the southerly line of the said 26.699 acre tract;
Thence North 88°23'35" West, along the southerly line of the said 26.699 acre tract, a distance of 80.00 feet to the southwestly corner of the said 26.699 acre tract, said point being located in the centerline of the said Mooney Road;

Thence North 01°38' 22" East, along the centerline of the said Mooney Road, along the westerly line of the said 26.699 acre tract, a distance of 790.48 feet to the Place of Beginning.

The above easement description contains 70,919 square feet (1.628 acres) over Auditor's Parcel No. 10020001091000, of which, 28,374 square feet (0.651 acre) lies in existing right-of-way.

The bearings described herein are referenced to the North American Datum of 1988 and were established using a GPS observation between NGS monuments "16-00003" and "16-00004".

The above description was prepared under the direct supervision of John L. Price, Ohio Registered Professional Surveyor No. 7159, from an actual field survey performed by ms consultants, inc. and from record documents on file at the Recorder's Office, Delaware County, Ohio.

Description of Reserved Waterline Easement Area

Situated in the State of Ohio, County of Delaware, Township of Thompson, being a part of Clark's Virginia Military Survey No. 3021, and being an easement area over and across a 68.291 acre tract as described as Tract 1 in

a deed to City of Columbus, as recorded in Deed Book 562, Page 559, all records referenced are on file at the Recorder's Office, Delaware County, Ohio, said easement area being more particularly bounded and described as follows:

Beginning at the southeasterly corner of the said 68.291 acre tract, said point being in the centerline of Hoskins Road;

Thence North 78°55'45" West, along the centerline of Hoskins Road, along the southerly line of the said 68.291 acre tract, a distance of 60.88 feet to a southerly corner of the said 68.291 acre tract, said point being the southeasterly corner of a 1.000 acre tract as described in a deed to Harold E. Curry and Vivian K. Curry, as recorded in Deed Book 425, Page 280;

Thence North 02°17'11" East, along a westerly line of the said 68.291 acre tract, along the easterly line of the said 1.000 acre tract, a distance of 176.31 feet to a southerly corner of the said 68.291 acre tract, said point being the northeasterly corner of the said 1.000 acre tract;

Thence North 78°55'45" West, along a southerly line of the said 68.291 acre tract, along the northerly line of the said 1.000 acre tract, a distance of 250.00 feet to a southerly corner of the said 68.291 acre tract, said point being the northwesterly corner of the said 1.000 acre tract;

Thence South 02°17'11" West, along an easterly line of the said 68.291 acre tract, along the westerly line of the said 1.000 acre tract, a distance of 176.31 feet to a southerly corner of the said 68.291 acre tract, said point being the southwest corner of the said 1.000 acre tract, said point being located in the centerline of Hoskins Road;

Thence North 78°55'45" West, along the centerline of Hoskins Road, along the southerly line of the said 68.291 acre tract, a distance of 1297.14 feet to the intersection with the centerline of Mooney Road as it is projected North, said point being the southwest corner of the said 68.291 acre tract;

Thence North 02°36'01" East, along the centerline of Mooney Road as it is projected North, along the westerly line of the said 68.291 acre tract, a distance of 80.88 feet to a point;

Thence crossing the said 68.291 acre tract by the following four (4) described courses:

1. South 78°55'45" East, along a line parallel to and 80.00 feet northerly from the centerline of Hoskins Road, a distance of 1117.18 feet to an angle point;
2. North 56°04'15" East, a distance of 204.00 feet to an angle point;
3. South 78°55'45" East, along a line parallel to and 50.00 feet northerly from the northerly line of the said 1.000 acre tract, a distance of 291.42 feet to an angle point;
4. South 33°55'45" East, a distance of 54.27 feet to a point in the easterly line of the said 68.291 acre tract;

Thence South 02°17'11" West, along the easterly line of the said 68.291 acre tract, a distance of 188.08 feet to the Place of Beginning.

The above easement description contains 143,167 square feet (3.286 acres) over Auditor's Parcel No. 10020001091000, of which, 42,252 square feet (0.969 acre) lies within exiting right-of-way.

The bearings described herein are referenced to the North American Datum of 1988 and were established using a GPS observation between NGS monuments "16-00003" and "16-00004".

The above description was prepared under the direct supervision of John L. Price, Ohio Registered Professional Surveyor No. 7159, from an actual field survey performed by ms consultants, inc. and from record documents on file at the Recorder's Office, Delaware County, Ohio.

Section 2. That the Director of Public Utilities, in conjunction with the City Attorney's Office, be and hereby is authorized to execute those documents, as approved by the Department of Law, Real Estate Division, necessary to deed and convey by quitclaim deed the following described real property that is or will be owned by the City prior to any transfer to Wahneta Jean A. Barnes:

33.01 +/- acres

Situated in the Township of Thompson, County of Delaware, and State of Ohio, and known as being within Jonathan Clark's Virginia Military Survey No. 3021, and being part of Lot Number 32 and 33 in the subdivision of said Survey as made by Joel Wright, and known as being part of the lands conveyed to Kenneth L. Davis, Trustee under his Declaration of Trust dated June 15, 2000 as recorded in Volume 0041 at Page 2404 of the Deed Records of Delaware County;

Commencing at a spike found at the intersection of the centerline of County Road 183 (Hoskins Road) with the centerline of Township Road 185 (Mooney Road);

Thence N02°37'57"E, along the centerline of Mooney Road, for a distance of 3071.17 feet to a spike set;

Thence N02°04'54"E, and continuing along the centerline of Mooney Road, for a distance of 253.62 feet to a spike found at the southwest corner of said Kenneth L. Davis parcel, said spike being the TRUE PLACE OF BEGINNING of the parcel described herein;

Thence N02°33'40"E, continuing along the centerline of Mooney Road, and the westerly line of said

Kenneth L. Davis parcel, for a distance of 2039.73 feet to a spike set at the northwesterly corner of said Kenneth L. Davis parcel, said spike being located at the intersection of the centerline of Mooney Road with the centerline of Township Road 184 (Davis-Kirk Road);

Thence S89°56'50"E along the centerline of Davis-Kirk Road, and the northerly line of said Kenneth L. Davis parcel, for a distance of 705.60 feet to a spike set at the northeasterly corner of this tract being conveyed;

Thence S02°33'40"W, and passing through said Kenneth L. Davis parcel, for a distance of 2039.73 feet to an iron pin set on the southerly line of said Kenneth L. Davis parcel, and passing over an iron pin set at 30.03 feet;

Thence N89°56'50"W along the southerly line of said Kenneth L. Davis parcel, for a distance of 705.60 feet, and passing over an iron pin set at 675.57 feet, to the TRUE PLACE OF BEGINNING, and containing within said bounds 33.010 acres of land more or less.

'NORTH' for the above description is based on the Ohio State Plane Co-Ordinate System, North Zone NAD83.

All iron pins noted in the above description as being set are 5/8" x 30" rebar with a plastic I.D. cap inscribed 'ms cons. Inc.'

The above description was prepared under the direct supervision of Richard John Swan, Ohio Registered Professional Surveyor No. 6574 in March 2009, and is based on an actual field survey performed by ms consultants, inc., and from record documents on file at the Recorder's Office, Delaware County, Ohio.

Section 3. That the City of Columbus hereby accepts the following describe real property being approximately 128 +/- acres from Wahneta Jean A. Barnes, being Delaware County Tax Parcel No. 10020001089000, in exchange for the above-referenced real property, for purposes relating to the construction of upground reservoirs:

Tract No. 1: Situated in the State of Ohio, County of Delaware, Township of Thompson, and bounded and described as follows: Being part of Lots No. 31 and 32 in Clark's V.M. Survey No.3021 bounded and described as follows, to-wit: Beginning at a stone on post in the center of so-called Hoskins Pike on the West line of Lot No. 14 in said Survey No. 3021; thence N. 0 deg. 24 min. W. along the West line of said Lot No. 14 (the same in the west line of Jacob Hoskins') 77 36/100 poles to a stone on post at the northwest corner of said Hoskins and the southwest corner of land of Levi Wottring; thence along said Wottring's west line N. 0 deg. 8 min. E. 62-8/100 poles to a stone on post; thence S. 89 deg. 3 min. W. along the south line of J.W. Money's 95-72/100 poles to a stone on post; thence along the East line of W.H. Dilsaver S. 0 Deg. 15 min. E. 86-53/100 poles to a stone on post; thence S. 0 deg. 15 min. E. 37 rods to stone on iron post in center of Hoskins Pike; thence along the center line of said Hoskins Pike 3.81 ½ deg. E. 96 rods 18-3/4 links to the place of beginning, containing 78 acres of land, more or less. Being the same premises conveyed to John Miley by W.H. Neumeyer and Amelia Neumeyer, dated January 26th, 1901, and recorded in Delaware County Deed Records, Vol. 114, and Page 440.

Tract No. 2: Situated in Thompson Township, Delaware County, Ohio and in Jonathan Clarks V.M. Survey No. 3021, and bounded and described as follows: Being Fifty (50) acres of land off of the East end of the following described tract of land: Beginning at the N.E. corner of a tract of land formerly owned by John Hoskins now owned by W.H. Dilsaver, (ash, sugar tree and iron wood old bearing trees) at a stone on a post, and brick at point J on the Plat of the resurvey of the lands of said N. & J.W. Money made by Samuel Davidson (See Surveyor's Records of said County Vol. 7, page 54) white ash 27 inches in diameter N. 76½ deg. E. 12 ¼ links; thence S. 88 deg. W. along the North line of said Dilsaver and North line of Miller land, 191 rods, 11-1/3 links to a stone on a post and brick at the N.W. corner of Miller land in center of the County Road leading from Fulton Creek North to the Money County Road known as the Thrashers Road at Point I on said plat; thence N. 1 ½ deg. W. along the center of said Fulton Creek Road, 94 rods 2 ¼ links to a stone on a post in said County Road; thence N. 88 deg. E. 191 rods 11-1/3 links to a stone on post bearing tree white ash 7 inches in diameter, West 10-1/13 links; thence S. 1 ½ deg. East along the West line of Lot 15, 100 rods 15-7/8 links to the place of beginning, containing 116 acres, 80-4/6 rods of land. The amount of land conveyed by this tract being 50 acres. Being the same premises conveyed to John Miley by Henry R. Money and Mary E. Money by deed dated October 28th, 1907, and recorded in Deed Records Delaware County, Vol. 132, Page 70.

Section 4. That the Director of Public Utilities, in conjunction with the City Attorney's Office, be and hereby is authorized to execute those documents, as approved by the Department of Law, Real Estate Division, necessary to sell, deed and otherwise convey by quitclaim deed the additional following described 40 +/- acres of real property, that is or will be owned by the City prior to any transfer to Wahneta Jean A. Barnes in exchange for approximately \$189,892.00, subject to closing costs and tax pro-rations:

40 +/- Acres

Situated in the Township of Thompson, County of Delaware, and State of Ohio, and known as being within Jonathan Clark's Virginia Military Survey No. 3021, and being part of Lot Number 32 and 33 in the subdivision of said Survey as made by Joel Wright, and known as being part of the lands conveyed to Kenneth L. Davis, Trustee under his Declaration of Trust dated June 15, 2000 as recorded in Volume 0041 at Page 2404 of the Deed Records of Delaware County;

Commencing at a spike found at the intersection of the centerline of County Road 183 (Hoskins Road) with the centerline of Township Road 185 (Mooney Road);

Thence N02°37'57"E, along the centerline of Mooney Road, for a distance of 3071.17 feet to a spike set;

Thence N02°04'54"E, and continuing along the centerline of Mooney Road, for a distance of 253.62 feet to a spike found at the southwesterly corner of said Kenneth L. Davis parcel;

Thence N02°33'40"E, and continuing along the centerline of Mooney Road 2039.73 feet to a spike set at the northwesterly corner of said Kenneth L. Davis parcel, said spike being located at the intersection of the centerline of Mooney Road with the centerline of Township Road 184 (Davis-Kirk Road);

Thence S89°56'50"E along the centerline of Davis-Kirk Road, and the northerly line of said Kenneth L. Davis parcel, for a distance of 705.60 feet to a spike set at the northwesterly corner of this tract being conveyed, said spike being the TRUE PLACE OF BEGINNING of the parcel described herein;

Thence continuing S89°56'50"E along the centerline of Davis-Kirk Road, and the northerly line of said Kenneth L. Davis parcel, for a distance of 855.05 feet to a spike set;

Thence S02°33'40"W, and passing through said Kenneth L. Davis parcel, for a distance of 2039.73 feet to an iron pin set on the southerly line of said Kenneth L. Davis parcel, and passing over an iron pin set at 30.03 feet;

Thence N89°56'50"W along the southerly line of said Kenneth L. Davis parcel, for a distance of 855.05 feet to an iron pin set;

Thence N02°33'40"E, and passing through said Kenneth L. Davis parcel, for a distance of 2039.73 feet, and passing over an iron pin set at 2009.70 feet, to the TRUE PLACE OF BEGINNING, and containing within said bounds 40.000 acres of land more or less.

'NORTH' for the above description is based on the Ohio State Plane Co-Ordinate System, North Zone NAD83.

All iron pins noted in the above description as being set are 5/8" x 30" rebar with a plastic I.D. cap inscribed 'ms cons. Inc.'

The above description was prepared under the direct supervision of Richard John Swan, Ohio Registered Professional Surveyor No. 6574 in March 2009, and is based on an actual field survey performed by ms consultants, inc., and from record documents on file at the Recorder's Office, Delaware County, Ohio.

Section 5. That the City of Columbus hereby accepts the following described waterline deed of easements as additional consideration for the exchange and sale of the aforementioned real properties as described, authorized and referenced above-herein:

Description of a Waterline Easement Area 4P

Situated in the State of Ohio, County of Delaware, Township of Thompson, being a part of Clark's Virginia Military Survey No. 5750, and being an easement area over and across a 108.75 acre tract described as Tract III in a deed to Whaneta J. Barnes, et. al., as recorded in Deed Book 493, Page 62, on file at the Recorder's Office, Delaware County, Ohio, said easement area being more particularly bounded and described as follows:

Beginning at a railroad spike found at an angle point in Mooney Road, said point being an easterly corner of the said 108.75 acre tract;

Thence South 02°33'51" West, along the centerline of Mooney Road, along the easterly line of the said 108.75 acre tract, a distance of 1642.33 feet to the southeasterly corner of the said 108.75 acre tract;

Thence South 77°15'28" West, along the southerly line of the said 108.75 acre tract, a distance of 82.94 feet to a point;

Thence crossing the said 108.75 acre tract by the following two (2) described courses:

1. North 02°33'51" East, along a line parallel to and 80.00 feet westerly from the centerline of Mooney Road, a distance of 1663.79 feet to an angle point;

2. North 01°56'19" East, along a line parallel to and 80.00 feet westerly from the centerline of Mooney Road, a distance of 303.02 feet to a point in a northerly line of the said 108.75 acre tract;

Thence North 77°47'56" East, along a northerly line of the said 108.75 acre tract, a distance of 82.50 feet to a point in the centerline of Mooney Road;

Thence South 01°56'19" West, along the centerline of Mooney Road, along the easterly line of the said 108.75 acre tract, a distance of 323.61 feet to the Place of Beginning.

The above easement description contains 157,306 square feet (3.611 acres) over Auditor's Parcel No.

10020001077000, of which, 58978 square feet (1.353 acres) lies within existing right-of-way.

The bearings described herein are referenced to the North American Datum of 1988 and were established using a GPS observation between NGS monuments "16-00003" and "16-00004".

The above description was prepared under the direct supervision of John L. Price, Ohio Registered Professional Surveyor No. 7159, from an actual field survey performed by ms consultants, inc. and from record documents on file at the Recorder's Office, Delaware County, Ohio.

Description of a Waterline Easement Area 5P

Situated in the State of Ohio, County of Delaware, Township of Thompson, being a part of Clark's Virginia Military Survey No. 3021, and being an easement area over and across a 102.157 acre tract described as Tract III in a deed to Whaneta J. Barnes, et. al., as recorded in Deed Book 613, Page 706, on file at the Recorder's Office, Delaware County, Ohio, said easement area being more particularly bounded and described as follows:

Beginning at an iron pin found at a an angle point in Mooney Road, said point being an easterly corner of the said 102.157 acre tract;

Thence South 01°56'19" West, along the centerline of Mooney Road, along the easterly line of the said 102.157 acre tract, a distance of 804.50 feet to a southeasterly corner of the said 102.157 acre tract;

Thence South 77°47'56" West, along a southerly line of the said 102.157 acre tract, a distance of 82.50 feet to a point;

Thence crossing the said 102.157 acre tract by the following two (2) described courses:

1. North 01°56'19" East, along a line parallel to and 80.00 feet westerly from the centerline of Mooney Road, a distance of 826.37 feet to an angle point;
2. North 46°56'19" East, a distance of 112.54 feet to a point located in the centerline of Mooney Road;

Thence South 01° 38'22" West, along the centerline of Mooney Road, along the easterly line of the said 102.157 acre tract, a distance of 81.29 feet to the Place of Beginning.

The above easement description contains 68,486 square feet (1.572 acres) over Auditor's Parcel No. 10020001084000, of which, 26,248 square feet (0.602 acre) lies in existing right-of-way.

The bearings described herein are referenced to the North American Datum of 1988 and were established using a GPS obseration between NGS monuments "16-00003" and "16-00004".

The above description was prepared under the direct supervision of John L. Price, Ohio Registered Professional Surveyor No. 7159, from an actual field survey performed by ms consultants, inc. and from record documents on file at the Recorder's Office, Delaware County, Ohio.

Description of a Waterline Easement Area 6P

Situated in the State of Ohio, County of Delaware, Township of Thompson, being a part of Clark's Virginia Military Survey No. 3021, and being an easement area over and across a 50 acre tract described as Tract VI in a deed to Whaneta J. Barnes, et. al., as recorded in Deed Book 451, Page 768, on file at the Recorder's Office, Delaware County, Ohio, said easement area being more particularly bounded and described as follows:

Beginning at a railroad spike found at the northwesterly corner of the said 50 acre tract, sid point being located in the centerline of Mooney Road;

Thence South 88°23'35" East, along the northerly line of the said 50 acre tract, a distance of 80.00 feet to a point;

Thence crossing the said 50 acre tract by the following two (2) described courses:

1. South 01°38'22" West, along a line parallel to and 80.00 feet easterly from the centerline of Mooney Road, a distance of 1036.27 feet to an angle point;
2. South 46°38'22" West, a distance of 113.14 feet to a point in the westerly line of the said 50 acre tract, said point being located in the centerline of Mooney Road;

Thence North 01°38'22" East, along the centerline of Mooney Road, along the westerly line of the said 50 acre tract, a distance of 1116.23 feet to the Place of Beginning.

The above easement description contains 86,102 square feet (1.976 acres) over Auditor's Parcel Number 10020001086000, of which, 33,039 square feet (0.758 acre) lies in existing right-of-way.

The bearings described herein are referenced to the North American Datum of 1988 and were established using a GPS observation between NGS monuments "16-00003" and "16-00004".

The above description was prepared under the direct supervision of John L. Price, Ohio Registered Professional Surveyor No. 7159, from an actual field survey performed by ms consultants, inc. and from record documents on file at the Recorder's Office, Delaware County, Ohio.

Section 6. 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 7. That funds from the proceeds of this transaction shall be deposited to the Waterworks Enlargement Voted 1991 Bonds Fund, Fund No. 606, Department of Public Utilities, Division of Water, Dept./Division No. 60-09, Object Level Three 6601; within the following: Project No. 690370 - Upground Reservoir - OCA Code 642900.

Section 8. 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.