



Legislation Details (With Text)

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On agenda: 4/12/2010 **Final action:** 4/14/2010

Title: To authorize the Director of the Department of Public Utilities and the Director of the Department of Recreation and Parks, severally, to execute those instruments necessary to grant a perpetual bikeway/walkway easement, along the west side of the Hoover Reservoir, to the Preservation Parks of Delaware County, Ohio for the purpose of completing a key segment of the Ohio to Erie trail, a pathway joining Cincinnati, Columbus, and Cleveland and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/14/2010	1	CITY CLERK	Attest	
4/13/2010	1	MAYOR	Signed	
4/12/2010	1	Columbus City Council	Approved	Pass
4/12/2010	1	COUNCIL PRESIDENT	Signed	
4/1/2010	1	CITY ATTORNEY	Reviewed and Approved	
4/1/2010	1	Atty Drafter	Sent to Clerk's Office for Council	
3/31/2010	1	Rec & Parks Drafter	Sent for Approval	
3/31/2010	1	REC & PARKS DIRECTOR	Reviewed and Approved	
3/31/2010	1	Rec & Parks Drafter	Sent for Approval	
3/31/2010	1	Atty Drafter	Sent for Approval	
3/30/2010	1	Utilities Reviewer	Reviewed and Approved	
3/30/2010	1	Atty Drafter	Sent for Approval	
3/26/2010	1	UTILITIES DIRECTOR	Reviewed and Approved	
3/25/2010	1	Utilities Reviewer	Sent for Approval	
3/24/2010	1	Atty Drafter	Sent for Approval	
3/24/2010	1	Atty Reviewer	Reviewed and Approved	
3/24/2010	1	Atty Drafter	Sent for Approval	

Background: Ordinance No. 1500-2009, as approved by Columbus, City Council on December 7, 2009, authorized the City of Columbus, Ohio ("City") to enter into an agreement with the Board of County Commissioners of Delaware County, Ohio ("Delaware County") for the development of a one mile section of the Ohio to Erie trail, along the west side of the Hoover Reservoir. The mile long dedicated trail will directly connect the City to the regional trail network of Delaware County, and complete a key segment of the Ohio to Erie trail, a pathway joining Cincinnati, Columbus, and Cleveland. It is therefore necessary that the City grant Delaware County, a perpetual bikeway/walkway easement unto certain City property, more fully

described in the body of this legislation. The Recreation and Parks Department proposes that the project will benefit the City by providing unique visitor access to the west side of Hoover Reservoir, increase safety for its users, and should be granted the easement at no charge. The following legislation authorizes the Director of the Department of Public Utilities and the Director of the Department of Recreation and Parks, severally, to execute those instruments necessary to grant the easement.

Fiscal Impact: N/A

Emergency Justification: The Recreation and Parks Department proposes that the project will benefit the City by providing unique visitor access to the west side of Hoover Reservoir, and increase safety for cyclists, pedestrians, and motorists who use the park.

To authorize the Director of the Department of Public Utilities and the Director of the Department of Recreation and Parks, severally, to execute those instruments necessary to grant a perpetual bikeway/walkway easement, along the west side of the Hoover Reservoir, to the Preservation Parks of Delaware County, Ohio for the purpose of completing a key segment of the Ohio to Erie trail, a pathway joining Cincinnati, Columbus, and Cleveland and to declare an emergency.

WHEREAS, Ordinance No. 1500-2009, as approved by Columbus, City Council on December 7, 2009, authorized the City of Columbus, Ohio ("City") to enter into an agreement with the Board of County Commissioners of Delaware County, Ohio ("Delaware County") for the development of a one mile section of the Ohio to Erie trail, along the west side of the Hoover Reservoir; and

WHEREAS, the mile long dedicated trail will directly connect the City to the regional trail network of Delaware County, and complete a key segment of the Ohio to Erie trail, a pathway joining Cincinnati, Columbus, and Cleveland; and

WHEREAS, it is therefore necessary that the City grant the Preservation Parks of Delaware County, Ohio, a perpetual bikeway/walkway easement unto certain City property, more fully described in the body of this legislation; and

WHEREAS, the Preservation Parks of Delaware County, Ohio being the park system for Delaware County, Ohio will be responsible for maintaining the bikeway/walkway; and

WHEREAS, the Recreation and Parks Department proposes that the project will benefit the City by providing unique visitor access to the west side of Hoover Reservoir, increase safety for its users, and should be granted the easement at no charge; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, in that it is immediately necessary to authorize the Director of the Department of Public Utilities and the Director of the Department of Recreation and Parks, severally, to execute those instruments approved by the Real Estate Division, Department of Law, necessary to grant a perpetual bikeway/walkway easement, along the west side of the Hoover Reservoir, to the Preservation Parks of Delaware County, for the purpose of completing a key segment of the Ohio to Erie trail, thereby preserving 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 the Department of Public Utilities and the Director of the Department of Recreation and Parks, severally, be and hereby is authorized to execute those documents, as approved by the Real Estate Division, Department of Law, necessary to grant a perpetual bikeway/walkway easement to the Preservation Parks of Delaware County, Ohio, in, over, under, across and through the following described real property for the purposes of constructing, installing, reconstructing, replacing, removing, repairing, maintaining and operating one (1) bikeway/walkway and appurtenances thereto (the "Easement"):

Easement
(Bikeway/Walkway)

Situated in the State of Ohio, County of Delaware, Township of Berkshire, being part of Farm Lot 13, Section 4, Township 4, Range 17, United States Military Lands, being part of an 82.22 acre tract of land described in deed to City of Columbus, of record in Deed Book 252, Page 284, being part of a 3.81 acre tract of land described in deed to City of Columbus, of record in Deed Book 256, Page 570, being part of a 9.75 acre tract of land (Parcel No. 1) described in deed to City of Columbus, of record in Deed Book 258, Page 327, and being more particularly described as follows:

COMMENCING for reference at the intersection of the centerline of Plumb Road (Township Road 105) and the centerline of South Old 3C Highway (County Road 24), being on the south line of said 82.22 acre tract, and being on the line common to Berkshire Township and Genoa Township;

Thence North $86^{\circ}18'10''$ West, a distance of 494.78 feet, with the centerline of said Plumb Road, the south line of said 82.22 acre tract, and the line common to said Berkshire Township and said Genoa Township, to the TRUE POINT OF BEGINNING of the tract to be described;

Thence North $86^{\circ}18'10''$ West, a distance of 20.00 feet, continuing with the centerline of said Plumb Road, the south line of said 82.22 acre

tract, and the line common to said Berkshire Township and said Genoa Township, to a point;

Thence through said 82.22 acre tract and crossing the right-of-way of said Plumb Road, the following two (2) courses and distances:

- 1.) North $02^{\circ}58'25''$ East, a distance of 15.89 feet, to a point of curvature;
- 2.) With the arc of a curve to the right having a radius of 125.00 feet, a central angle of $90^{\circ}37'16''$, a chord bearing of North $48^{\circ}17'03''$ East, a chord distance of 177.73 feet, and an arc length of 197.70 feet, to a point of tangency;

Thence through said 82.22 acre tract, the following five (5) courses and distances:

- 1.) South $86^{\circ}24'19''$ East, a distance of 187.21 feet, to a point of curvature;
- 2.) With the arc of a curve to the left having a radius of 290.00 feet, a central angle of $17^{\circ}45'25''$, a chord bearing of North $84^{\circ}42'59''$ East, a chord distance of 89.52 feet, and an arc length of 89.88 feet, to a point of tangency;
- 3.) North $75^{\circ}50'16''$ East, a distance of 37.02 feet, to a point of curvature;
- 4.) With the arc of a curve to the right having a radius of 110.00 feet, a central angle of $36^{\circ}05'59''$, a chord bearing of South $86^{\circ}06'45''$ East, a chord distance of 68.17 feet, and an arc length of 69.31 feet, to a point;
- 5.) North $21^{\circ}56'15''$ East, a distance of 10.00 feet, to a point;

Thence South $68^{\circ}03'45''$ East, a distance of 134.37 feet, through said 82.22 acre tract and crossing the right-of-way of said South Old 3C Highway, to a point;

Thence through said 82.22 acre tract, the following four (4) courses and distances:

- 1.) South $21^{\circ}56'15''$ West, a distance of 10.00 feet, to a point;
- 2.) With the arc of a curve to the left having a radius of 90.00 feet, a central angle of $39^{\circ}47'08''$, a chord bearing of South $87^{\circ}57'19''$ East, a chord distance of 61.25 feet, and an arc length of 62.50 feet, to a point of reverse curvature;
- 3.) With the arc of a curve to the right having a radius of 310.00 feet, a central angle of $36^{\circ}20'44''$, a chord bearing of South $89^{\circ}40'32''$ East, a chord distance of 193.37 feet, and an arc length of 196.65 feet, to a point of tangency;
- 4.) South $71^{\circ}30'10''$ East, a distance of 178.38 feet, to a point of curvature;

Thence through said 82.22 acre, 9.75 acre, and 3.81 acre tracts and through the old right-of-way of abandoned Old 3C Highway, the following twenty-one (21) courses and distances:

- 1.) With the arc of a curve to the left having a radius of 90.00 feet, a central angle of $75^{\circ}49'57''$, a chord bearing of North $70^{\circ}34'52''$ East, a chord distance of 110.61 feet, and an arc length of 119.12 feet, to a point of tangency;
- 2.) North $32^{\circ}39'53''$ East, a distance of 195.75 feet, to a point of curvature;
- 3.) With the arc of a curve to the right having a radius of 3005.00 feet, a central angle of $00^{\circ}45'43''$, a chord bearing of North $33^{\circ}02'45''$ East, a chord distance of 39.97 feet, and an arc length of 39.97 feet, to a point of tangency;
- 4.) North $33^{\circ}25'37''$ East, a distance of 172.07 feet, to a point of curvature;
- 5.) With the arc of a curve to the left having a radius of 995.00 feet, a central angle of $01^{\circ}24'15''$, a chord bearing of North $32^{\circ}43'29''$ East, a chord distance of 24.38 feet, and an arc length of 24.38 feet, to a point of tangency;
- 6.) North $32^{\circ}01'22''$ East, a distance of 442.27 feet, to a point of curvature;
- 7.) With the arc of a curve to the right having a radius of 810.00 feet, a central angle of $22^{\circ}47'29''$, a chord bearing of North $43^{\circ}25'06''$ East, a chord distance of 320.09 feet, and an arc length of 322.21 feet, to a point of tangency;
- 8.) North $54^{\circ}48'51''$ East, a distance of 250.68 feet, to a point of curvature;
- 9.) With the arc of a curve to the left having a radius of 2990.00 feet, a central angle of $02^{\circ}47'44''$, a chord bearing of North $53^{\circ}24'59''$ East, a chord distance of 145.87 feet, and an arc length of 145.88 feet, to a point of tangency;
- 10.) North $52^{\circ}01'07''$ East, a distance of 230.81 feet, to a point;
- 11.) South $37^{\circ}58'53''$ East, a distance of 20.00 feet, to a point;
- 12.) South $52^{\circ}01'07''$ West, a distance of 230.81 feet, to a point of curvature;
- 13.) With the arc of a curve to the right having a radius of 3010.00 feet, a central angle of $02^{\circ}47'44''$, a chord bearing of South $53^{\circ}24'59''$ West, a chord distance of 146.84 feet, and an arc length of 146.86 feet, to a point of tangency;

- 14.) South 54°48'51" West, a distance of 250.68 feet, to a point of curvature;
- 15.) With the arc of a curve to the left having a radius of 790.00 feet, a central angle of 22°47'29", a chord bearing of South 43°25'06" West, a chord distance of 312.18 feet, and an arc length of 314.25 feet, to a point of tangency;
- 16.) South 32°01'22" West, a distance of 442.27 feet, to a point of curvature;
- 17.) With the arc of a curve to the right having a radius of 1015.00 feet, a central angle of 01°24'15", a chord bearing of South 32°43'29" West, a chord distance of 24.87 feet, and an arc length of 24.87 feet, to a point of tangency;
- 18.) South 33°25'37" West, a distance of 172.07 feet, to a point of curvature;
- 19.) With the arc of a curve to the left having a radius of 2985.00 feet, a central angle of 00°45'43", a chord bearing of South 33°02'45" West, a chord distance of 39.70 feet, and an arc length of 39.70 feet, to a point of tangency;
- 20.) South 32°39'53" West, a distance of 195.75 feet, to a point of curvature;
- 21.) With the arc of a curve to the right having a radius of 110.00 feet, a central angle of 75°49'57", a chord bearing of South 70°34'52" West, a chord distance of 135.19 feet, and an arc length of 145.59 feet, to a point of tangency;

Thence through said 82.22 acre tract, the following four (4) courses and distances:

- 1.) North 71°30'10" West, a distance of 178.38 feet, to a point of curvature;
- 2.) With the arc of a curve to the left having a radius of 290.00 feet, a central angle of 36°20'44", a chord bearing of North 89°40'32" West, a chord distance of 180.89 feet, and an arc length of 183.96 feet, to a point of reverse curvature;
- 3.) With the arc of a curve to the right having a radius of 110.00 feet, a central angle of 39°47'08", a chord bearing of North 87°57'19" West, a chord distance of 74.86 feet, and an arc length of 76.38 feet, to a point;
- 4.) South 21°56'15" West, a distance of 10.00 feet, to a point;

Thence North 68°03'45" West, a distance of 134.37 feet, through said 82.22 acre tract and crossing the right-of-way of said South Old 3C Highway, to a point;

Thence through said 82.22 acre tract, the following five (5) courses and distances:

- 1.) North 21°56'15" East, a distance of 10.00 feet, to a point;
- 2.) With the arc of a curve to the left having a radius of 90.00 feet, a central angle of 36°05'59", a chord bearing of North 86°06'45" West, a chord distance of 55.77 feet, and an arc length of 56.71 feet, to a point of tangency;
- 3.) South 75°50'16" West, a distance of 37.02 feet, to a point of curvature;
- 4.) With the arc of a curve to the right having a radius of 310.00 feet, a central angle of 17°45'25", a chord bearing of South 84°42'59" West, a chord distance of 95.69 feet, and an arc length of 96.07 feet, to a point of tangency;
- 5.) North 86°24'19" West, a distance of 187.21 feet, to a point of curvature;

Thence through said 82.22 acre tract and crossing the right-of-way of said Plumb Road, the following two (2) courses and distances:

- 1.) With the arc of a curve to the left having a radius of 105.00 feet, a central angle of 90°37'16", a chord bearing of South 48°17'03" West, a chord distance of 149.30 feet, and an arc length of 166.07 feet, to a point of tangency;
- 2.) South 02°58'25" West, a distance of 16.14 feet, to the TRUE POINT OF BEGINNING;

Containing 1.487 acres of land, more or less.

Basis of Bearings: Bearings are based on data acquired by GPS observations as per NAD 83 (1995) - Ohio State Plane Coordinate System - North Zone from the Delaware County Geodetic Control Monumentation.

The above description is based on and referenced to a plat of survey titled "1.487 Acre Scenic Trail Easement" prepared by Floyd Browne Group dated the same hereon, attached hereto and made a part hereof.

All references are to the records of the Recorder's Office, Delaware County, Ohio. Delaware County Tax Parcel Number 41743007009000.

Prior Instrument Reference: D.B. Vol. 252, Pg. 284; D.B. Vol. 256, Pg. 570;

D.B. Vol. 258, Pg. 327; Recorder's Office, Delaware County

Section 2. 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 passage if the Mayor neither approves nor vetoes the same.