



Legislation Details (With Text)

File #: 0040X-2009 **Version:** 1
Type: Resolution **Status:** Passed
File created: 4/16/2009 **In control:** Judiciary And Court Administration Committee
On agenda: 5/4/2009 **Final action:** 5/6/2009
Title: To declare the necessity and intent to appropriate construction easements in, over, under and through real estate in connection with the Alum Creek Drive Improvement Project, and to declare an 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	Adopted	Pass
5/4/2009	1	COUNCIL PRESIDENT	Signed	
4/16/2009	1	Atty Drafter	Sent for Approval	
4/16/2009	1	CITY ATTORNEY	Reviewed and Approved	
4/16/2009	1	Atty Drafter	Sent to Clerk's Office for Council	

Background:

The following is a resolution to declare the necessity and intent to appropriate construction easements in, over, under and through real estate in connection with the Alum Creek Drive Improvement 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 to meet the Department of Public Utilities acquisition schedule.

To declare the necessity and intent to appropriate construction easements in, over, under and through real estate in connection with the Alum Creek Drive Improvement Project, and to declare an emergency.

WHEREAS, the City of Columbus is engaged in the Alum Creek Drive Improvement Project; and,

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Design and Construction in that it is immediately necessary to declare the necessity and intent to appropriate construction easements in, over, under and through

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 construction easements in, over, under and through the following described real estate necessary for the Alum Creek Drive Improvement Project, Project #561004, 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:

PARCEL 181-T-1
Fra-C.R. 122-4.14
24 Months from Date of entry

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 6, Township-11-North, Range-21-West, Mathew's Survey of Congress Lands of 1795-1802, and being a part of that 3.312 acre tract as conveyed to Fieldstone Court Homes, LLC by deed of record in Instrument Number 200509270201964, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land located on the right side of the Plat of the Centerline of Right-of-Way of FRA-C.R. 122-4.14, as recorded in Plat Book ___, Page ___;

Beginning for reference at Franklin County Monument #8840, at the intersection of the existing right-of-way centerline of Watkins Road (East), with the existing right-of-way centerline of Alum Creek Drive (County Road 122), being 0.00 feet right of Alum Creek Drive station 142+58.23;

Thence North 03 degrees 49 minutes 28 seconds East, a distance of 846.51 feet along the existing right-of-way centerline of said Alum Creek Drive, and along the westerly line of said Section 6, Township 11, Range 21, to a point in said centerline, being 0.00 feet right of Alum Creek Drive station 151+04.74;

Thence South 86 degrees 10 minutes 32 seconds East, a distance of 30.00 feet perpendicular to the existing right-of-way centerline of said Alum Creek Drive, to the intersection with the existing easterly right-of-way line of said Alum Creek Drive at a southwest corner of that 4.502 acre tract as conveyed to the Columbus/Franklin County Affordable Housing Trust Corporation by deed of record in Instrument Number 200307300237067, being 30.00 feet right of Alum Creek Drive station 151+04.74;

Thence North 03 degrees 49 minutes 28 seconds East, a distance of 90.41 feet along a westerly line of said 4.502 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive, to an angle point in the existing easterly right-of-way line of said Alum Creek Drive, being 30.00 feet right of Alum Creek Drive station 151+95.15;

Thence South 86 degrees 10 minutes 32 seconds East, a distance of 10.00 feet along a westerly line of said 4.502 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive, to an angle point in the existing easterly right-of-way line of said Alum Creek Drive, being 40.00 feet right of Alum Creek Drive station 151+95.15;

Thence North 03 degrees 49 minutes 28 seconds East, a distance of 365.74 feet along the westerly line of said 4.502 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive, to a rebar found at an angle point in the existing easterly right-of-way line of said Alum Creek Drive at the northwest corner of said 4.502 acre tract, being 40.00 feet right of Alum Creek Drive station 155+60.90;

Thence South 84 degrees 22 minutes 52 seconds East, a distance of 20.01 feet along the northerly line of said 4.502 acre tract, and along the southerly line of that 0.184 acre tract as conveyed to the City of Columbus by deed of record in Instrument Number 200607210142822, to the intersection with the existing easterly right-of-way line of said Alum Creek Drive, at the southwest corner of said Fieldstone 3.312 acre tract, and the southeast corner of said Columbus 0.184 acre tract, being 60.00 feet right of Alum Creek Drive station 155+60.27;

Thence continuing South 84 degrees 22 minutes 52 seconds East, a distance of 10.00 feet along the northerly line of said 4.502 acre tract, and along the southerly line of said Fieldstone 3.312 acre tract, to an iron pin set in the new easterly right-of-way line of Alum Creek Drive, being 70.00 feet right of Alum Creek Drive station 155+59.96;

Thence continuing South 84 degrees 22 minutes 52 seconds East, a distance of 10.00 feet along the northerly line of said 4.502 acre tract, and along the southerly line of said Fieldstone 3.312 acre tract, to the intersection with a new easterly line of a proposed Slope Easement, being 80.00 feet right of Alum Creek Drive station 155+59.64;

Thence North 03 degrees 49 minutes 28 seconds East, a distance of 40.36 feet, along a new easterly line of said proposed Slope Easement, and across said Fieldstone 3.312 acre tract, to a point being 80.00 feet right of Alum

Creek Drive station 156+00.00, and being the Point of True Beginning;
Thence continuing North 03 degrees 49 minutes 28 seconds East, a distance of 50.00 feet, along a new easterly line of said proposed Slope Easement, and across said Fieldstone 3.312 acre tract, to a point being 80.00 feet right of Alum Creek Drive station 156+50.00;
Thence South 86 degrees 10 minutes 32 seconds East, a distance of 20.00 feet, across said Fieldstone 3.312 acre tract, and perpendicular to the existing right-of-way line of Alum Creek Drive, to a point being 100.00 feet right of Alum Creek Drive station 156+50.00;
Thence South 03 degrees 49 minutes 28 seconds West, a distance of 50.00 feet, across said Fieldstone 3.312 acre tract, and parallel to the existing right-of-way centerline of Alum Creek Drive, to a point being 100.00 feet right of Alum Creek Drive station 156+00.00;
Thence North 86 degrees 10 minutes 32 seconds West, a distance of 20.00 feet, across said Fieldstone 3.312 acre tract, and perpendicular to the existing right-of-way line of Alum Creek Drive, to the Point of True Beginning, containing 0.023 acres, more or less.
Of the above-described area, 0.023 acres is contained within the Franklin County Auditor's Parcel 010-267699;
The bearing datum of the afore-described parcel is based on the bearing of North 04 degrees 02 minutes 12 seconds East, for the centerline of Alum Creek Drive, from an adjusted field survey using G.P.S. methods using Franklin County Monuments #8819, #8820 and #8840, based on the Ohio State Plane Coordinate System, South Zone, NAD 83.
This description was based upon a survey of Alum Creek Drive and Williams Road by R.D. Zande & Associates, Inc., in March 1999, and prepared on March 16, 2009 by Tim A. Baker, Registered Surveyor 7818.
Iron pins set are 3/4 inches in diameter by 30 inches long with a 1-1/2 inch aluminum cap placed on top, bearing the name "ODOT R/W" and "R D ZANDE & ASSOC".
Grantor claims title by instrument of record in Instrument Number 200509270201964, of the Recorder's Office, Franklin County, Ohio.

PARCEL NO. 181 T-2
FRA- C.R. 122-4.14
Temporary easement
24 Months from date of entry

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 6, Township-11-North, Range-21-West, Mathew's Survey of Congress Lands of 1795-1802, and being a part of that 3.312 acre tract as conveyed to Fieldstone Court Homes, LLC by deed of record in Instrument Number 200509270201964, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:
Being a parcel of land located on the right side of the Plat of the Centerline of Right-of-Way of FRA-C.R. 122-4.14, as recorded in Plat Book ___, Page ___;
Beginning for reference at Franklin County Monument #8840, at the intersection of the existing right-of-way centerline of Watkins Road (East), with the existing right-of-way centerline of Alum Creek Drive (County Road 122), being 0.00 feet right of Alum Creek Drive station 142+58.23;
Thence North 03 degrees 49 minutes 28 seconds East, a distance of 846.51 feet along the existing right-of-way centerline of said Alum Creek Drive, and along the westerly line of said Section 6, Township 11, Range 21, to a point in said centerline, being 0.00 feet right of Alum Creek Drive station 151+04.74;
Thence South 86 degrees 10 minutes 32 seconds East, a distance of 30.00 feet perpendicular to the existing right-of-way centerline of said Alum Creek Drive, to the intersection with the existing easterly right-of-way line of said Alum Creek Drive at a southwest corner of that 4.502 acre tract as conveyed to the Columbus/Franklin County Affordable Housing Trust Corporation by deed of record in Instrument Number 200307300237067, being 30.00 feet right of Alum Creek Drive station 151+04.74;
Thence North 03 degrees 49 minutes 28 seconds East, a distance of 90.41 feet along a westerly line of said 4.502 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive, to an angle point in the existing easterly right-of-way line of said Alum Creek Drive, being 30.00 feet right of Alum Creek Drive station 151+95.15;
Thence South 86 degrees 10 minutes 32 seconds East, a distance of 10.00 feet along a westerly line of said 4.502 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive, to an angle point in the existing easterly right-of-way line of said Alum Creek Drive, being 40.00 feet right of Alum Creek Drive station 151+95.15;
Thence North 03 degrees 49 minutes 28 seconds East, a distance of 365.74 feet along the westerly line of said 4.502 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive, to a rebar found at an angle point in the existing easterly right-of-way line of said Alum Creek Drive at the northwest corner of said

4.502 acre tract, being 40.00 feet right of Alum Creek Drive station 155+60.90;
Thence South 84 degrees 22 minutes 52 seconds East, a distance of 20.01 feet along the northerly line of said 4.502 acre tract, and along the southerly line of that 0.184 acre tract as conveyed to the City of Columbus by deed of record in Instrument Number 200607210142822, to the intersection with the existing easterly right-of-way line of said Alum Creek Drive, at the southwest corner of said Fieldstone 3.312 acre tract, and the southeast corner of said Columbus 0.184 acre tract, being 60.00 feet right of Alum Creek Drive station 155+60.27;
Thence continuing South 84 degrees 22 minutes 52 seconds East, a distance of 10.00 feet along the northerly line of said 4.502 acre tract, and along the southerly line of said Fieldstone 3.312 acre tract, to an iron pin set in the new easterly right-of-way line of Alum Creek Drive, being 70.00 feet right of Alum Creek Drive station 155+59.96;
Thence North 03 degrees 49 minutes 28 seconds East, a distance of 320.04 feet, along the new easterly right-of-way line of Alum Creek Drive, and across said Fieldstone 3.312 acre tract, to a point being 70.00 feet right of Alum Creek Drive station 158+80.00, and being the Point of True Beginning;
Thence continuing North 03 degrees 49 minutes 28 seconds East, a distance of 45.00 feet, along the new easterly right-of-way line of Alum Creek Drive, and across said Fieldstone 3.312 acre tract, to a point being 70.00 feet right of Alum Creek Drive station 159+25.00;
Thence South 86 degrees 10 minutes 32 seconds East, a distance of 15.00 feet, across said Fieldstone 3.312 acre tract, and perpendicular to the existing right-of-way line of Alum Creek Drive, to a point being 85.00 feet right of Alum Creek Drive station 159+25.00;
Thence South 03 degrees 49 minutes 28 seconds West, a distance of 45.00 feet, across said Fieldstone 3.312 acre tract, and parallel to the existing right-of-way centerline of Alum Creek Drive, to a point being 85.00 feet right of Alum Creek Drive station 158+80.00;
Thence North 86 degrees 10 minutes 32 seconds West, a distance of 15.00 feet, across said Fieldstone 3.312 acre tract, and perpendicular to the existing right-of-way line of Alum Creek Drive, to the Point of True Beginning, containing 0.015 acres, more or less.
Of the above-described area, 0.015 acres is contained within the Franklin County Auditor's Parcel 010-267699;
The bearing datum of the afore-described parcel is based on the bearing of North 04 degrees 02 minutes 12 seconds East, for the centerline of Alum Creek Drive, from an adjusted field survey using G.P.S. methods using Franklin County Monuments #8819, #8820 and #8840, based on the Ohio State Plane Coordinate System, South Zone, NAD 83.
This description was based upon a survey of Alum Creek Drive and Williams Road by R.D. Zande & Associates, Inc., in March 1999, and prepared on March 16, 2009 by Tim A. Baker, Registered Surveyor 7818.
Iron pins set are 3/4 inches in diameter by 30 inches long with a 1-1/2 inch aluminum cap placed on top, bearing the name "ODOT R/W" and "R D ZANDE & ASSOC".
Grantor claims title by instrument of record in Instrument Number 200509270201964, of the Recorder's Office, Franklin County, Ohio.

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.