



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 2/15/2008 **In control:** Judiciary And Court Administration Committee

On agenda: 3/17/2008 **Final action:** 3/19/2008

Title: To authorize the Director of the Department of Public Utilities and the Director of Recreation & Parks Department to execute a quitclaim deed for certain real property unto, adjacent property owner, Mary Lou Lawrence, Trustee, in exchange for an equitable piece of property in order to eliminate an encroachment upon City property; to waive the Land Review Commission provisions of the Columbus City Codes (1959) and to declare and emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/19/2008	1	CITY CLERK	Attest	
3/18/2008	1	MAYOR	Signed	
3/17/2008	1	Columbus City Council	Approved	Pass
3/17/2008	1	COUNCIL PRESIDENT PRO-TEM	Signed	
3/4/2008	1	Atty Drafter	Sent to Clerk's Office for Council	
3/3/2008	1	Atty Drafter	Sent for Approval	
3/3/2008	1	CITY ATTORNEY	Reviewed and Approved	
2/29/2008	1	Utilities Reviewer	Reviewed and Approved	
2/28/2008	1	UTILITIES DIRECTOR	Reviewed and Approved	
2/26/2008	1	UTILITIES DIRECTOR	Reviewed and Approved	
2/25/2008	1	Atty Drafter	Sent for Approval	
2/25/2008	1	Utilities Reviewer	Sent for Approval	
2/21/2008	1	Rec & Parks Drafter	Sent for Approval	
2/19/2008	1	REC & PARKS DIRECTOR	Reviewed and Approved	
2/15/2008	1	Atty Drafter	Sent for Approval	

Background: The City of Columbus, Ohio is the owner of that real property commonly known as Hoover Reservoir. Mary Lou Lawrence, whose address is 8959 Robinhood Circle, Westerville, Ohio 43082, owns land adjacent to the City's property, and has built a tennis court that currently encroaches upon portions of the City's property. Ms. Lawrence has requested that the City eliminate this error by granting to her the small amount of property where her improvements encroach, in return for her granting the City an amount of her property equal to that which the City is granting. The Recreation and Parks Department has determined that the exchange of subject properties will not adversely affect the City and should be granted. The Department of Law, Real Estate Division has determined that the exchange is for real property of equal size, therefore no money will be involved. This legislation authorizes the Director of the Department of Public Utilities and the Executive Director of the Recreation and Parks Department to execute those documents necessary to the exchange subject real properties.

Fiscal Impact: The exchange will be for real property of equal size and therefore no money will be involved.

Emergency Justification: A permanent structure presently encroaches on the City's real property and therefore emergency action is requested in order to expedite this exchange of property so that this issue can be immediately alleviated without delay.

To authorize the Director of the Department of Public Utilities and the Director of Recreation & Parks Department to execute a quitclaim deed for certain real property unto, adjacent property owner, Mary Lou Lawrence, Trustee, in exchange for an equitable piece of property in order to eliminate an encroachment upon City property; to waive the Land Review Commission provisions of the Columbus City Codes (1959) and to declare an emergency.

WHEREAS, the City of Columbus, Ohio is the owner of that real property commonly known as Hoover Reservoir; and

WHEREAS, Mary Lou Lawrence, whose address is 8959 Robinhood Circle, Westerville, Ohio 43082, owns land adjacent to the City's property, and has built a tennis court that currently encroaches upon portions of the City's property; and

WHEREAS, Ms. Lawrence has requested that the City eliminate this error by granting to her the small amount of property where her improvements encroach, in return for her granting the City an amount of her property equal to that which the City is granting; and

WHEREAS, the Recreation and Parks Department has determined that the exchange of subject properties will not adversely affect the City and should be granted; and

WHEREAS, the Department of Law, Real Estate Division has determined that the exchange is for real property of equal size, therefore no money will be involved; and

WHEREAS, an emergency exists in the usual daily operation of the City, in that it is necessary to authorize the Director of the Department of Public Utilities and the Director of Recreation & Parks Department to execute a quitclaim deed for certain City owned real property unto, adjacent property owner, Mary Lou Lawrence, Trustee, in exchange for an equitable piece of property in order to eliminate an encroachment upon the City's property, 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 City of Columbus hereby accepts the following described real property to be used for park purposes:

**DESCRIPTION OF 0.0578 ACRES
Split Out of Lot 657 of Lakes of the Woods No. 3**

Situated in the State of Ohio, County of Delaware, Township of Genoa, being part of Lot 657 as shown and delineated upon the subdivision plat of "Lake of the Woods No.3", being of record in Plat Book 6, Page III, and conveyed as (Part II) to Mary Lou Lawrence, Trustee of the Mary Lou Lawrence Revocable Trust, by deed of record in Deed Book 646, Page 851, records of the Recorder's Office, Delaware County, Ohio and being more particularly described as follows;

Beginning at a City of Columbus concrete monument found at the northwesterly corner of Lot 657 of said "Lake of the Woods No.3", being on the southerly line of a 125.05 acre tract conveyed to the City of Columbus (Hoover Reservoir Property) by deed of record in Deed Book 250, Page 646;

Thence South 85°41'06" East, a distance of 39.59 feet, along the northerly line of said Lot 657 and the line common to said 125.05 acre tract to a 3/4 inch iron pipe set in concrete;

Thence South 06°49'48" West, a distance of 81.86 feet, across said Lot 657 to a 3/4 inch iron pipe set in concrete on the southwesterly line of said Lot 657, said line being a line common to a 3.66 acre tract conveyed to the City of Columbus as (Parcel No.2) by deed of record in Deed Book 256, Page 311;

Thence North 55°06'36" West, a distance of 34.54 feet, along the southwesterly line of said Lot 657, and the line common to said 3.66 acre tract to a concrete monument found;

Thence North 01°15'00" West, a distance 01'64.52 feet, along the westerly line of said Lot 657 and the line common to said 3.66 acre tract to the Point of Beginning, containing 0.0578 acres, (2518.85 square feet), more or less, being subject to all easements, restrictions and rights-of-way of record.

The bearings shown above are based on the Grid Bearing of North 86°14' 12" East, between Franklin County Engineer's Monuments "Hoover" and "Hoover Azimuth" as determined by a GPS network of field observations for a field survey of City of Columbus property performed in 2000-200] by R.D. Zande & Associates. (State Plane Coordinate System, North Zone).

All iron pins set are 3/4 inch iron pipes, 30 inches in length, with a yellow cap bearing the name "R.D.ZANDE".

This 0.0578 acre tract is not to be utilized as a separate building lot and is to be transferred only to the adjoining City of Columbus tract (Hoover Reservoir Property), (Parcel Number 31744204001000).

Section 2. That the Director of the Department of Public Utilities and the Director of Director of the Recreation and Parks Department be, and hereby are authorized to execute a Real Estate Exchange Contract and any ancillary documents, as approved by the Department of Law, Real Estate Division, necessary to grant Mary Lou Lawrence, Trustee the following described real property, in exchange for certain real property, described in Section 1 hereof.

**DESCRIPTION OF 0.0136 ACRES
(At Hoover Reservoir)**

Tract I:

Situated in the State of Ohio, County of Delaware, Township of Genoa, lying in Farm Lot 8, Quarter Township 4, Township 3, Range 17, and being part of a 125.05 acre tract conveyed to the City of Columbus (Hoover Reservoir Property) by deed of record in Deed Book 250, Page 646, records of the Recorder's Office, Delaware County, Ohio and being more particularly described as follows;

Begin for reference at a City of Columbus concrete monument found on the southerly line of said 125.05 acre tract at the northwesterly comer of Lot 657 as shown and delineated upon the subdivision plat of "Lake of the Woods No.3", being of record in Plat Book 6, Page 111, said Lot 657 conveyed as Part II to Mary Lou Lawrence, Trustee of the Mary Lou Lawrence Revocable Trust, by deed of record in Deed Book 646, Page 851;

Thence South 85°41'06" East, a distance of 39.59 feet, along the northerly line of said Lot 657 and the line common to said 125.05 acre tract to a 3/4 inch iron pipe set in concrete, and being the **Point of True Beginning** for the herein described tract;

Thence the following three (3) courses and distances on, over and across the said 125.05 acre tract:

1. North 06°49'48" East, a distance of 10.3 I feet, to a 3/4 inch iron pipe set in concrete;
2. South 82°35'22" East, a distance of 70.28 feet, to a 3/4 inch iron pipe set in concrete;
3. South 06°46'45" West, a distance of 6.5 I feet, to a 3/4 inch iron pipe set in concrete, on the northerly line of said Lot 657;

Thence North 85°4 I '06" West, a distance of 70.35 feet, along the northerly line of said Lot 657 to the **Point of True Beginning**, containing 0.0 I 36 acres, (59 I AO square feet), more or less, being subject to all easements, restrictions and rights-of-way of record.

The bearings shown above are based on the Grid Bearing of North 86°14' 12" East, between Franklin County Engineer's Monuments "Hoover" and "Hoover Azimuth" as determined by a GPS network of field observations for a field survey of City of Columbus property performed in 2000-200 I by R.D. Zande & Associates. (State Plane Coordinate System, North Zone).

All iron pins set are 3/4 inch iron pipes, 30 inches in length, with a yellow cap bearing the name "R.D.ZANDE".

This 0.0136 acre tract is not to be utilized as a separate building lot and is to be transferred only to the adjoining lot, number 657 of "Lake of the Woods No.3", (Parcel Number 31744202004000).

**DESCRIPTION OF 0.0169
(AT Hoover Reservoir)**

Tract 2:

Situated in the State of Ohio, County of Delaware, Township of Genoa, lying in Farm Lot 8, Quarter Township 4, Township 3. Range 17, and being part of a 125.05 acre tract conveyed to the City of Columbus (Hoover Reservoir Property) by deed of record in Deed Book 250, Page 646, records of the Recorder's Office, Delaware County, Ohio and being more particularly described as follows:

Begin for reference at a City of Columbus concrete monument found on the southerly line of said 125.05 acre tract at the northwesterly corner of Lot 657 as shown and delineated upon the subdivision plat of "Lake of the Woods No.3", being of record in Plat Book 6, Page 111, said Lot 657 conveyed as (Part II) to Mary Lou Lawrence, Trustee of the Mary Lou Lawrence Revocable Trust, by deed of record in Deed Book 646, Page 851;

Thence South 85°41'06" East, a distance of 322.92 feet, along the northerly line of said Lot 657 and the line common to said 125.05 acre tract to a 3/4 inch iron pipe set in concrete, and being the Point of True Beginning for the herein described tract;

Thence the following three (3) courses and distances on, over and across the said 125.05 acre tract:

1. North 04°31'10" East, a distance of 15.36 feet, to a 3/4 inch iron pipe set in concrete;
2. South 84°33 '27" East, a distance of 49.62 feet, to a 3/4 inch iron pipe set in concrete;
3. South 05°26'33" West, a distance of 14.39 feet, to a 3/4 inch iron pipe set in concrete, on

the northerly line of the (Part I) tract conveyed to Mary Lou Lawrence, Trustee of the Mary Lou Lawrence Revocable Trust, by deed of record in Deed Book 646, Page 851;

Thence North 85°41 '06" West, a distance of 49.38 feet, along the northerly line of said (Part I) and (Part II) tracts to the Point of True Beginning, containing 0.0169 acres, (736.19 square feet), more or less, being subject to all easements, restrictions and rights-of way of record.

The bearings shown above are based on the Grid Bearing of North 86°14'12" East, between Franklin County Engineer's Monuments "Hoover" and "Hoover Azimuth" as determined by a GPS network of field observations for a field survey of City of Columbus property performed in 2000-2001 by R.D. Zande & Associates. (State Plane Coordinate System, North Zone).

All iron pins set are $\frac{3}{4}$ inch iron pipes, 30 inches in length, with a yellow cap bearing the name "R.D.ZANDE".

This 0.0169 acre tract is not to be utilized as a separate building lot and is to be transferred only to the adjoining lot, number 657 of "Lake of the Woods No. 3", (Parcel Number 31744202004000).

**DESCRIPTION OF 0.273 ACRES
(At Hoover Reservoir)**

Tract 3:

Situated in the State of Ohio, County of Delaware, Township of Genoa, lying in Farm Lot 8, Quarter Township 4, Township 3, Range 17, and being part of a 3.66 acre (Parcel No.2) tract conveyed to the City of Columbus (Hoover Reservoir Property) by deed of record in Deed Book 256, Page 311, records of the Recorder's Office, Delaware County, Ohio and being more particularly described as follows;

Begin for reference at a City of Columbus concrete monument found on the southerly line of a 125.05 acre tract conveyed to the City of Columbus by deed of record in Deed Book 250, Page 646, at the northwesterly corner of Lot 657 as shown and delineated upon the subdivision plat of "Lake of the Woods No.3", being of record in Plat Book 6, Page 111, said Lot 657 conveyed as (Part II) to Mary Lou Lawrence, Trustee of the Mary Lou Lawrence Revocable Trust, by deed of record in Deed Book 646, Page 851, said Lot corner being a common corner to said 3.66 acre (Parcel No.2) tract;

Thence South 01°15'00" East, a distance of 64.52 feet, along the westerly line of said Lot 657, a line common to said 3.66 acre (Parcel No.2) tract to a City of Columbus concrete monument found at an angle point in said common line;

Thence South 55°06'36" East, a distance of 34.54 feet, along the southwesterly line of said Lot 657 and the line common to said 3.66 acre (Parcel No.2) tract to a $\frac{3}{4}$ inch iron pipe set in concrete, and being the Point of True Beginning for the herein described tract;

Thence South 55°06'36" East, a distance of 75.51 feet, continuing along the southwesterly line of said Lot 657 and the line common to said 3.66 acre (Parcel No.2) tract to a $\frac{3}{4}$ inch iron pipe set in concrete;

Thence the following two (2) courses and distances on, over and across the said 3.66 acre (Parcel No.2)

tract:

1. North 83°22' 12" West, a distance of 66.64 feet, to a 3/4 inch iron pipe set in concrete;
2. North 06°49'48" East, a distance of 35.75 feet, to the Point of True Beginning, containing 0.0273 acres, (119] .26 square feet), more or less, being subject to all easements, restrictions and rights-of-way of record.

The bearings shown above are based on the Grid Bearing of North 86° 14' 12" East, between Franklin County Engineer's Monuments "Hoover" and "Hoover Azimuth" as determined by a GPS network of field observations for a field survey of City of Columbus property performed in 2000-2001 by R.D. Zande & Associates. (State Plane Coordinate System, North Zone).

All iron pin set are ~ inch iron pipes, 30 inches in length, with a yellow cap bearing the name "R.D.ZANDE".

This 0.0273 acre tract is not to be utilized as a separate building lot and is to be transferred only to the adjoining lot, number 657 of "Lake of the Woods No.3", (Parcel Number 31744202004000).

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 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.