



## Legislation Details (With Text)

**File #:** 0047X-2009    **Version:** 1  
**Type:** Resolution    **Status:** Passed  
**File created:** 4/23/2009    **In control:** Utilities Committee  
**On agenda:** 5/4/2009    **Final action:** 5/6/2009

**Title:** To declare the necessity and intent to appropriate permanent easements in, over, under and through real estate in connection with the Chatterton Road Water Main Improvements 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	
4/24/2009	1	Atty Drafter	Sent to Clerk's Office for Council	
4/23/2009	1	Atty Drafter	Sent for Approval	
4/23/2009	1	CITY ATTORNEY	Reviewed and Approved	

Background:

The following is a resolution to declare the necessity and intent to appropriate permanent easements in, over, under and through real estate in connection with the Chatterton Road Water Main Improvements 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, thus facilitating the commencement of construction necessary to the project.

To declare the necessity and intent to appropriate permanent easements in, over, under and through real estate in connection with the Chatterton Road Water Main Improvements Project, and to declare an emergency.

WHEREAS, the City of Columbus is engaged in the Chatterton Road Water Main Improvements Project; and,

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Sewerage and

Drainage, in that it is immediately necessary to declare the necessity and intent to appropriate permanent 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 permanent easements in, over, under and through the following described real estate necessary for the Chatterton Road Water Main Improvements Project, Project #690483, 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:

Utility Easement  
City of Columbus  
South Side of Chatterton Road  
West side of Brice Road

Situated in the State of Ohio, County of Franklin, Truro Township, Section 2, Township 11 North, Range 21 West, Matthew's Survey of Congress Lands, and being an easement area over part of that 0.619 acre parcel known as Franklin County Auditor's Parcel Number 530-109267 conveyed to Apostolic Church of Christ as Parcel III in Official Record Volume 4728 A11, and over part of that 10.557 acre parcel known as Franklin County Auditor's Parcel Number 530-166405 conveyed to Apostolic Church of Christ as Parcel II in Official Record Volume 4728 A11 (all references are to records on file in the Franklin County Recorder's Office), said easement area being more particularly described as follows:

Beginning for reference at Franklin County Geodetic Survey Monument number 9918 at the intersection of Refugee Road and Brice Road; Thence South 4°24'47" West, along the center of Brice Road, 129.86 feet to a point; Thence North 85°35'13" West, 55.00 feet to a point in the west line of Brice Road conveyed to the City of Columbus as Parcel 3WD in Instrument Number 200010240215165 and being in the east line of said 0.619 acre Apostolic Church of Christ parcel and being the point of beginning;

Thence North 85°26'47" West, crossing said 0.619 acre Apostolic Church of Christ parcel, 359.14 feet to a point in the west line of said 0.619 acre parcel, being in the east line of the aforementioned 10.557 acre Apostolic Church of Christ parcel;

Thence continuing North 85°26'47" West, into said 10.557 acre Apostolic Church of Christ parcel, 96.91 feet to a point;

Thence North 40°22'29" West, 98.87 feet to a point in the south line of Chatterton Road and Parcel 3WD, being the north line of the 10.557 acre tract;

Thence along a south line of Parcel 3WD, being the south line of Chatterton Road, South 85°26'47" East, 167.12 feet to a point, being the northeast corner of the 10.557 acre Apostolic Church of Christ tract, the northwest corner of the 0.619 acre Apostolic Church of Christ tract, and the northwest corner of Easement Parcel 3X-1, granted to the City of Columbus in Instrument Number 200010240215163;

Thence leaving the south line of Chatterton Road, and into the 0.619 acre Apostolic Church of Christ tract, and along said Easement 3X-1, South 64°25'39" East, 69.70 feet to a point;

Thence continuing along Easement 3X-1, South 85°26'47" East, 145.00 feet to a point;

Thence continuing along Easement 3X-1, North 4°33'13" East, 20.00 feet to a point in the south line of Chatterton Road, being the south line of Parcel 3WD;

Thence South 85°26'47" East, along the south line of Chatterton Road, being the south line of Parcel 3WD, 120.00 feet to a point;

Thence South 50°17'11" East, along Parcel 3WD, 34.96 feet to a point, being the west line of Brice Road;

Thence South 4°24'47" West, along Parcel 3WD, being the west line of Brice Road, 44.87 feet the point of beginning.

Containing 0.663 acres of land, of which 0.451 acre lies in Parcel 530-109267 and 0.212 acre lies in Parcel 530-166405.

For the purpose of this easement description, a bearing of South 4°24'47" West was used for the centerline of Brice Road between Franklin County Geodetic Survey monuments #9918 and 9939 according a field survey by Pomeroy & Associates, Ltd. in 2008.

Pomeroy & Associates, Ltd.  
Mark D. Power  
Professional Surveyor No. 7935

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.