



## Legislation Details (With Text)

**File #:** 0028X-2007    **Version:** 1  
**Type:** Resolution    **Status:** Passed  
**File created:** 3/8/2007    **In control:** Judiciary And Court Administration Committee  
**On agenda:** 4/2/2007    **Final action:** 4/5/2007  
**Title:** To declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the Group 10 Miscellaneous Intersections Improvement project High to Hudson Street, and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
4/5/2007	1	CITY CLERK	Attest	
4/3/2007	1	MAYOR	Signed	
4/2/2007	1	Columbus City Council	Adopted	Pass
4/2/2007	1	COUNCIL PRESIDENT	Signed	
3/21/2007	1	Atty Reviewer	Reviewed and Approved	
3/21/2007	1	Atty Drafter	Sent for Approval	
3/21/2007	1	CITY ATTORNEY	Reviewed and Approved	
3/21/2007	1	Atty Drafter	Sent to Clerk's Office for Council	
3/9/2007	1	Atty Drafter	Sent for Approval	

**Background:**

The following is a resolution to declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the **Group 10 Miscellaneous Intersections Improvement project High to Hudson Street**.

**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 Public Services Department's acquisition schedule.

To declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the **Group 10 Miscellaneous Intersections Improvement project High to Hudson Street**, and to declare an emergency.

WHEREAS, the City of Columbus is engaged in the **Group 10 Miscellaneous Intersections Improvement project High to Hudson Street**; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Transportation Division, in that it is immediately necessary to declare the necessity and intent to appropriate fee simple title and lesser interests in and to 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 fee simple title and lesser interests in and to the following described real estate necessary for the **Group 10 Miscellaneous Intersections Improvement project High to Hudson Street, Project # 530161**, 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:

**1P**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Lot 16 of the Solomon and George W. Beers' North Addition of record in Plat Book 1, Page 54, being part of the tract conveyed to Genaro Garcia Von Lembcke by deed of record in Instrument Number 199802240040786 (further shown and delineated upon Exhibit 'B' attached hereto and made a part hereof), and being more particularly described as follows:

**Beginning** at the intersection point of the southerly right of way line of Hudson Street (60 feet in width) with the easterly right of way line of Neil Avenue (60 feet in width) and being the northwesterly corner of said Lot 16, said intersection point being 30.00 feet right of centerline station 10+85.75;

Thence North 78 degrees 47 minutes 42 seconds East, along the said southerly right of way line, a distance of 34.75 feet to a point at 30.00 feet right of centerline station 11+20.50;

Thence leaving the said southerly right of way line and through the grantor's tract of land for the following four (4) courses:

- 1.) South 11 degrees 12 minutes 18 seconds East, a distance of 10.00 feet to a point at 40.00 feet right of centerline station 11+20.50;
- 2.) South 78 degrees 47 minutes 42 seconds West, a distance of 24.75 feet to a point at 40.00 feet right of centerline station 10+95.75;
- 3.) South 11 degrees 12 minutes 18 seconds East, a distance of 6.50 feet to a point at 46.50 feet right of centerline station 10+95.75;
- 4.) South 78 degrees 46 minutes 03 seconds West, a distance of 10.00 feet to a point in the easterly right of way line of the said Neil Avenue at 46.50 feet right of centerline station 10+85.75;

Thence North 11 degrees 16 minutes 39 seconds West, along the said easterly right of way line, a distance of 16.50 feet to the **Point of Beginning**.

Containing 412 square feet or 0.009 acre, more or less, within Franklin County Auditor's Parcel Number 010-057334.

All references herein being to records in the Recorder's Office, Franklin County, Ohio.

Daniel J. Hornyak, Date, Registered Professional Surveyor No. 7963

**2WD**

Situated in the State of Ohio, County of Franklin and City of Columbus, and being part of Outlot No.4 of the plat of North Columbus by Solomon and George W. Beers, as the same is numbered and delineated in Plat Book 1, Page 54, and being part of the tract conveyed to Taco Bell Corp., as recorded in Official Record 13566 I16, all references being to the record in the Recorder's Office, Franklin County, Ohio, and being more particularly shown in Exhibit A, attached hereto and made a part hereof, and being more particularly described as follows:

Beginning at the intersection of the westerly right of way line of High Street (66 feet in width) and the southerly right of way line of Hudson Street (60 feet in width), said point also being the northeast corner of the Grantor's land and being 30.00 feet right of station 16+19.88 of the centerline of said Hudson Street;

thence S 11° 12' 18" E, along the westerly right of way line of said High Street and the easterly line of the Grantor's land, a distance of 15.00 feet to a point, said point being the TRUE

POINT OF BEGINNING and being 45.00 feet right of station 16+19.88 of the centerline of said Hudson Street;

thence S 11° 12' 18" E, along the westerly right of way line of said High Street and the easterly line of the Grantor's land, a distance of 10.00 feet to a point being 55.00 feet right of station 16+19.88 of the centerline of said Hudson Street;

thence S 78° 47' 42" W, parallel to and 25.00 feet south of the southerly right of way line of said Hudson Street, a distance of 10.00 feet to a point being 55.00 feet right of station 16+09.88 of the centerline of said Hudson Street;

thence N 11° 12' 18" W, parallel to and 10.00 feet west of the westerly right of way line of said High Street, a distance of 10.00 feet to a point being 45.00 feet right of station 16+09.88 of the centerline of said Hudson Street;

thence S 78° 47' 42" W, parallel to and 15.00 feet south of the southerly right of way line of said Hudson Street, a distance of 176.17 feet to a point on the west line of the Grantor's land and the east line of Frank & Mary C. Portier, as recorded in Official

Record 03124 A13, said point being 45.00 feet right of station 14+33.71 of the centerline of said Hudson Street;  
thence N 11°12'18" W, along the westerly line of the Grantor and the easterly line of the said Portier tract, a distance of 15.00 feet to the northeast corner of said Portier tract, said point also being the northwest corner of the Grantor's land, and being 30.00 feet right of station 14+33.71 of the centerline of said Hudson Street;

thence N 78°47'42" E, along the southerly right of way line of said Hudson Street and the northerly line of the Grantor's land a distance of 171.17 feet to a point being 30.00 feet right of station 16+04.88 of the centerline of said Hudson Street;

thence S 56°12'47" E, a distance of 21.21 feet to the TRUE POINT OF BEGINNING, containing 2779.94 square feet or 0.064 acres, more or less.

The above described area is contained within Auditor's Parcel No. 010-18052, Auditor's . Office, Franklin County, Ohio.

Grantor claims title by Instrument(s) of record in Official Record 13566 116, Recorder's Office, Franklin County, Ohio.

Basis of bearing in this description was the centerline of Hudson Street as being S 78°47'42" W, and was transferred from a GPS survey of Franklin County Geodetic Survey monuments Wediehl and Grandview, and was based on the State Plane Coordinate System NAD 83, South Zone, Ohio.

This description was prepared by Daniel J. Hornyak, P.S., Ohio Registered Surveyor No. 7963, based on an actual field survey performed by Columbus Engineering Consultants in 1998.

Daniel J. Hornyak,

### 3T

Situated in the State of Ohio, County of Franklin and City of Columbus, and being part of Outlot No.4 of the plat of North Columbus by Soloman and George W. Beers, as the same is numbered and delineated in Plat Book 1, Page 54, and being part of the tract conveyed to Taco Bell Corp., as recorded in Official Record 13566 116, all references being to the record in the Recorder's Office, Franklin County, Ohio, and being more particularly shown in Exhibit A, attached hereto and made a part hereof, and being more particularly described as follows:

Beginning at the intersection of the westerly right of way line of High Street (66 feet in width) and the southerly right of way line of Hudson Street (60 feet in width), said point also being the northeast corner of the Grantor's land and being 30.00 feet right of station 16+19.88 of the centerline of said Hudson Street;

thence S 11° 12' 18" E, along the westerly right of way line of said High Street and the easterly line of the Grantor's land, a distance of 15.00 feet to a point, said point being the TRUE

POINT OF BEGINNING and being 45.00 feet right of station 16+19.88 of the centerline of said Hudson Street;

thence S 11° 12' 18" E, along the westerly right of way line of said High Street and the easterly line of the Grantor's land, a distance of 10.00 feet to a point being 55.00 feet right of station 16+19.88 of the centerline of said Hudson Street;

thence S 78° 47' 42" W, parallel to and 25.00 feet south of the southerly right of way line of said Hudson Street, a distance of 10.00 feet to a point being 55.00 feet right of station 16+09.88 of the centerline of said Hudson Street;

thence N 11°12'18" W, parallel to and 10.00 feet west of the westerly right of way line of said High Street, a distance of 10.00 feet to a point being 45.00 feet right of station 16+09.88 of the centerline of said Hudson Street;

thence S 78°47'42" W, parallel to and 15.00 feet south of the southerly right of way line of said Hudson Street, a distance of 176.17 feet to a point on the west line of the Grantor's land and the east line of Frank & Mary C. Portier, as recorded in Official Record 03124 A13, said point being 45.00 feet right of station 14+33.71 of the centerline of said Hudson Street;

thence N 11°12'18" W, along the westerly line of the Grantor and the easterly line of the said Portier tract, a distance of 15.00 feet to the northeast corner of said Portier tract, said point also being the northwest corner of the Grantor's land, and being 30.00 feet right of station 14+33.71 of the centerline of said Hudson Street;

thence N 78°47'42" E, along the southerly right of way line of said Hudson Street and the northerly line of the Grantor's land a distance of 171.17 feet to a point being 30.00 feet right of station 16+04.88 of the centerline of said Hudson Street;

thence S 56°12'47" E, a distance of 21.21 feet to the TRUE POINT OF BEGINNING, containing 2779.94 square feet or 0.064 acres, more or less.

Daniel J. Hornyak, number 7963

### 5WD

Situated in the State of Ohio, County of Franklin and City of Columbus, and being part of lot No.1 of George Williams' Amended North Heights Addition, as the same is numbered and delineated in Plat Book 2, Pages 120 and 121, and being part of the tract conveyed to Zaheer Fuel, LLC., as recorded in Instrument Number 200605020082085, all references being to the record in the Recorder's Office, Franklin County, Ohio, and being more particularly shown in Exhibit A, attached hereto and made a part hereof, and being more particularly described as follows:

Beginning at the intersection of the easterly right of way line of High Street (66 feet in width) and the northerly right of way line of Hudson Street (60 feet in width), said point also being the southwest corner of the Grantor's land and the POINT OF BEGINNING, said point also being 30.00 feet left of station 16+85.88 of the centerline of said Hudson Street;

thence N 11° 12' 18" W, along the easterly right of way line of said High Street and the westerly line of the Grantor's land a distance of 15.00 feet to a point being 45.00 feet left of station 16+85.88 of the centerline of said Hudson Street;

thence S 56° 12' 18" E, a distance of 21.21 feet to a point on the northerly right of way of said Hudson Street and the southerly line of the Grantor's land, said point being 30.00 feet left of station 17+00.88 of the centerline of said Hudson Street;

thence S 78°47'42" W, along the northerly right of way line of said Hudson Street and the southerly line of the Grantor's land, a distance of 15.00 feet to the POINT OF BEGINNING, containing 112.50 square feet or 0.003 acres, more or less.

The above-described area is contained within Auditor's Parcel No. 010-42258, Auditor's Office, Franklin County, Ohio.

Grantor claims title by Instrument(s) of record in Instrument Number 200605020082085, Recorder's Office, Franklin County, Ohio.

Basis of bearing in this description was the centerline of Hudson Street as being S 78°47'42" W, and was transferred from a GPS survey of Franklin County Geodetic Survey monuments Wediehl and Grandview, and was based on the State Plane Coordinate System NAD 83, South Zone, Ohio.

This description was prepared by Daniel J. Hornyak, P.S., Ohio Registered Surveyor No. 7963, based on an actual field survey performed by Columbus Engineering Consultants in 1998. Daniel J. Hornyak, Number 7963

### 5T

Situated in the State of Ohio, County of Franklin and City of Columbus, and being part of lot No.1 of George Williams' Amended North Heights Addition, as the same is numbered and delineated in Plat Book 2, Pages 120 and 121, and being part of the tract conveyed to Zaheer Fuel, LLC., as recorded in Instrument Number 200605020082085, all references being to the record in the Recorder's Office, Franklin County, Ohio, and being more particularly shown in Exhibit A, attached hereto and made a part hereof, and being more particularly described as follows:

Beginning at the intersection of the easterly right of way line of High Street (66 feet in width) and the northerly right of way line of Hudson Street (60 feet in width), said point also being the southwest corner of the Grantor's land, said point also being 30.00 feet left of station 16+85.88 of the centerline of said Hudson Street;

thence N 11° 12' 18" W, along the easterly right of way line of said High Street and the westerly line of the Grantor's land a distance of 15.00 feet to a point, said point being the TRUE POINT OF BEGINNING, and being 45.00 feet left of station 16+85.88 of the centerline of said Hudson Street;

thence N 11° 12' 18" W, along the easterly right of way line of said High Street and the westerly line of the Grantor's land a distance of 5.00 feet to a point being 50.00 feet left of station 16+85.88 of the centerline of said Hudson Street;

thence N 78°47'42" E, parallel to and 20.00 feet north of the northerly right of way line of said Hudson Street, a distance of 60.00 feet to a point 50.00 feet left of station 17+45.88 of the centerline of said Hudson Street;

thence S 11° 12' 18" E, parallel to and 60.00 feet east of the easterly right of way line of said High Street, a distance of 20.00 feet to a point on the northerly right of way line of said Hudson Street and the southerly line of the Grantor's land, said point being 30.00 feet left of station-17+45.88 of the centerline of said Hudson Street;

thence S 78°47'42" W, along the northerly right of way line of said Hudson Street and the southerly line of the Grantor's land a distance of 45.00 feet to a point being 30.00 feet left of station 17+00.88 of the centerline of said Hudson Street;

thence N 56°12'18" W, a distance of 21.21 feet to the TRUE POINT OF BEGINNING, containing 1087.49 square feet or 0.025 acres, more or less

Daniel J. Hornyak                      Number 7963

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 state 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.