



Legislation Details (With Text)

File #: 0033X-2007 **Version:** 1
Type: Resolution **Status:** Passed
File created: 3/19/2007 **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 Morse Road Improvement Phase II Project, 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	
3/19/2007	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 **Morse Road Improvement Phase II Project**.

Fiscal Impact:

N/A

Emergency Justification: Emergency action is requested to allow the Real Estate Division to continue acquisition of the necessary right-of-way without delay so the City can proceed with the installation of the proposed improvements and upgrades as currently scheduled.

To declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the **Morse Road Improvement Phase II Project**, and to declare an emergency.

WHEREAS, the City of Columbus is engaged in the **Morse Road Improvement Phase II Project**; 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 **Morse Road Improvement Phase II Project, Project # 530052**, 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 15 U (0.067 Acre)
MORSE ROAD PERMANENT UTILITY EASEMENT
Revise 1-15-07

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 2, Range 17, United States Military Lands, and being a part of a 0.506-acre tract described as Parcel IV in a General Warranty Deed to Oxford Coventry I, LLC. of record Instrument Number 20040804181851, all records are on file at the Recorder's Office, Franklin County, OH, all stations and offsets reference the centerline of construction of Morse Road, unless otherwise stated, prepared by MS Consultants, Inc. for the City of Columbus, said Parcel 15 U being more particularly bounded and described as follows:

Beginning for Reference, at a 1 inch diameter iron pin centerline monument for Morse Road at the centerline intersection of Morse Road and Cleveland Avenue found in a monument box at centerline Station 180+49.60 and Cleveland Avenue centerline Station 60+00.00;

Thence South 85°50'18" East with the centerline of Morse Road, a distance of 215.16 feet to a point at centerline Station 182+64.76;

Thence North 4°09'42" East, a distance of 55.00 feet to a point at the southeasterly corner of the said 0.506 acre tract, being in the westerly line of a 0.742 acre tract as described in a General Warranty Deed to Spiros Spantithos, et. al. of record Official Record 31581 A06, being 55.00 feet left of centerline Station 182+64.76, and being the True Place of Beginning for the herein described parcel;

Thence North 87°50'26" West, along the southerly line of the said 0.506 acre tract, along the existing northerly right-of-way line of Morse Road a distance of 96.11 feet to an iron pin set, being 51.64 feet left of centerline Station 181+68.72;

Thence North 23°49'52" West, along the proposed northerly right-of-way line of Morse Road a distance of 7.59 feet to an iron pin set, being 58.34 feet left of centerline Station 181 +65.16;

Thence North 73°30'17" West, along the proposed northerly right-of-way line of Morse Road a distance of 29.88 feet to a point, being 64.72 feet left of centerline Station 181 +35.97,

Thence North 25°6'50" East, a distance of 5.81 feet to a point, being 70.15 feet left of centerline Station 181+38.05;

Thence North 64°53'9" West, a distance of 20.00 feet to a point, being 77.30 feet left of centerline Station 181+19.37;

Thence South 25°6'51" West, a distance of 5.19 feet to a point, being 72.45 feet left of centerline Station 181+17.51;

Thence Along the arc of a curve to the right, along the proposed northerly right-of-way line of Morse Road, having a radius of 28.50 feet, a central angle of 46°13'33", an arc length of 22.99 feet to a point, being 92.67 feet left of centerline Station 181+07.92, said arc being subtended by a chord bearing North 21°13'55" West, a chord distance of 22.38 feet;

Thence North 1°52'51" East, along a proposed easterly right-of-way line of Cleveland Avenue a distance of 18.23 feet to an iron pin set, being 110.88 feet left of centerline Station 181+07.19 and 58.47 feet right of Cleveland Avenue centerline Station 61+1 0.43;

Thence North 4°38'38" West, along the proposed northerly right-of-way line of Morse Road a distance of 35.64 feet to a point, being 146.10 feet left of centerline Station 181+01.74;

Thence crossing the said 0.506 acre tract by the following three (3) described courses:

1. South 15°13'37" East, a distance of 70.08 feet to an angle point, being 80.00 feet left of centerline Station 181+25.00;

2. South 80°45'31" East, a distance of 140.21 feet to a point in the westerly line of said 0.742 acre tract, being 67.59 feet left of centerline Station 182+64.66;

3. South 3°42'37" West, along the easterly line of the said 0.506 acre tract, the westerly line of said 0.742 acre tract a distance of 12.59 feet to the True Place of Beginning.

The above described easement contains 0.067 acre from Auditor's Parcel number 010-03393700.

The bearings for this description are based on the Ohio State Plane Coordinate System, South Zone and the North American Datum of 1983 (1986), established by a field traverse originating on Franklin County survey control

monuments "Clark Azimuth" and "Clark 1928 1982 ", located along Karl Road, south of Morse Road. The bearing between these monuments is S0°39'58"W. This description was prepared by MS Consultants, Inc. from an actual field survey (2002) and existing records. Iron pins set are 5/8"x30" long rebar with plastic cap stamped 7912-MS Consultants.

**PARCEL 15 S (0.003 Acre)
MORSE ROAD PERMANENT DRAINAGE EASEMENT**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 2, Range 17, United States Military Lands, and being a part of a 0.506 acre tract described as Parcel IV in a General Warranty Deed to Oxford Coventry I, LLC. of record Instrument Number 20040804181851, all records are on file at the Recorder's Office, Franklin County, OH, all stations and offsets reference the centerline of construction of Morse Road, unless otherwise stated, prepared by MS Consultants, Inc. for the City of Columbus, said Parcel 15 S being more particularly bounded and described as follows:

Beginning for Reference at a 1 inch diameter iron pin centerline monument for Morse Road at the centerline intersection of Morse Road and Cleveland Avenue found in a monument box at centerline Station 180+49.60 and Cleveland Avenue centerline Station 60+00.00;

Thence South 85°50'18" East with the centerline of Morse Road, a distance of 215.16 feet to a point at centerline Station 182+64.76;

Thence North 4°09'42" East, a distance of 55.00 feet to a point at the southeasterly corner of the said 0.506 acre tract, being in the westerly line of a 0.742 acre tract as described in a General Warranty Deed to Spiros Spantithos, e1. al. of record Official Record 31581 A06, being 55.00 feet left of centerline Station 182+64.76;

Thence North 87°50'26" West, along the southerly line of the said 0.506 acre tract, along the existing northerly right-of-way line of Morse Road a distance of 96.11 feet to an iron pin set, being 51.64 feet left of centerline Station 181+68.72;

Thence North 23°49'52" West, along the proposed northerly right-of-way line of Morse Road a distance of 7.59 feet to an iron pin set, being 58.34 feet left of centerline Station 181+65.16;

Thence North 73°30'17" West, along the proposed northerly right-of-way line of Morse Road a distance of 29.88 feet to a point, being 64.72 feet left of centerline Station 181+35.97, and being the True Place of Beginning for the herein described parcel;

Thence continuing within the said 0.506 acre tract by the following four (4) described courses:

1. Thence North 73°30'17" West, along the proposed northerly right-of-way line of Morse Road a distance of 5.79 feet to an iron pin set, being 65.96 feet left of centerline Station 181 +30.31,

2. Along the arc of a curve to the right, along the proposed northerly right-of-way line of Morse Road, having a radius of 28.50 feet, a central angle of 29°09'35.56", an arc length of 14.50 feet to a point, being 72.45 feet left of centerline Station 181+17.51, said arc being subtended by a chord bearing North 58°55'29" West, a chord distance of 14.35 feet;

3. North 25°6'51" East, a distance of 5.19 feet to a point, being 77.30 feet left of centerline Station 181+19.37;

4. South 64°53'9" East, a distance of 20.00 feet to a point, being 70.15 feet left of centerline Station 181+38.05;

5. 5. South 25°6'50" West, a distance of 5.81 feet to the True Place of Beginning.

The above-described parcel contains 0.003 acre from Auditor's Parcel number 010033937-00.

The bearings for this description are based on the Ohio State Plane Coordinate System, South Zone and the North American Datum of 1983(1986), established by a field traverse originating on Franklin County survey control monuments "Clark Azimuth" and "Clark 1928 1982", located along Karl Road, south of Morse Road. The bearing between these monuments is S00°39'58"W. This description was prepared by MS Consultants, Inc. from an actual field survey (2002) and existing records. Iron pins set are 5/8"x30" long rebar with plastic cap stamped 7912-MS Consultants.

**PARCEL 15 T (0.052 Acre) MORSE ROAD
TEMPORARY CONSTRUCTION EASEMENT**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 2, Range 17, United States Military Lands, and being a part of a 0.506 acre tract described as Parcel IV in a General Warranty Deed to Oxford Coventry I, LLC. of record Instrument Number 20040804181851, all records are on file at the Recorder's Office, Franklin County, OH, all stations and offsets reference the centerline of construction of Morse Road, unless otherwise stated, prepared by MS Consultants, Inc. for the City of Columbus, said temporary construction easement 15 T being more particularly bounded and described as follows:

Beginning for Reference at a 1 inch diameter iron pin centerline monument for Morse Road at the centerline intersection/of Morse Road and Cleveland Avenue found in a monument box at centerline Station 180+49.60 and

Cleveland Avenue centerline Station 60+00.00;

Thence South 85°50'18" East with the centerline of Morse Road, a distance of 215.16 feet to a point at centerline Station 182+64.76;

Thence North 4°09'42" East, a distance of 55.00 feet to a point at the southeasterly corner of the said 0.506 acre tract, being in the westerly line of a 0.742 acre tract as described in a General Warranty Deed to Spiros Spantithos, et. al. of record Official Record 31581 A06, being 55.00 feet left of centerline Station 182+64.76, and being the True Place of Beginning for the herein described parcel;

Thence North 87°50'26" West, along the southerly line of the said 0.506 acre tract, along the existing northerly right-of-way line of Morse Road a distance of 96.11 feet to an iron pin set, being 51.64 feet left of centerline Station 181+68.72;

Thence North 23°49'52" West, along the proposed northerly right-of-way line of Morse Road a distance of 7.59 feet to an iron pin set, being 58.34 feet left of centerline Station 181+65.16;

Thence North 73°30'17" West, along the proposed northerly right-of-way line of Morse Road a distance of 29.88 feet to a point, being 64.72 feet left of centerline Station 181+35.97,

Thence North 25°6'50" East, a distance of 5.81 feet to a point, being 70.15 feet left of centerline Station 181 +38.05;

Thence North 64°53'9" West, a distance of 20.00 feet to a point, being 77.30 feet left of centerline Station 181 +19.37;

Thence South 25°6'51" West, a distance of 5.19 feet to a point, being 72.45 feet left of centerline Station 181+17.51;

Thence Along the arc of a curve to the right, along the proposed northerly right-of-way line of Morse Road, having a radius of 28.50 feet, a central angle of 46°13'33", an arc length of 22.99 feet to a point, being 92.67 feet left of centerline Station 181+07.92, said arc being subtended by a chord bearing North 21 °13'55" West, a chord distance of 22.38 feet;

Thence North 1°52'51" East, along a proposed easterly right-of-way line of Cleveland Avenue a distance of 18.23 feet to an iron pin set, being 110.88 feet left of centerline Station 181+07.19 and 58.47 feet right of Cleveland Avenue centerline Station 61+1 0.43;

Thence North 4°38'38" West, along the proposed northerly right-of-way line of Morse Road a distance of 92.70 feet to an iron pin set in the northerly line of the said 0.506 acre tract, being in the southerly line of Lot 8, Brooklyn Heights as numbered and delineated in Plat Book 16, Page 49 as described in a Warranty Deed to Antonio Volpe and Iris V. Volpe of record Deed Book 3674, Page 842, being 45.00 feet right of Cleveland Avenue centerline Station 62+02.16;

Thence South 85°50'18" East, along the northerly line of the said 0.506 acre tract, along the southerly line of the said Lot 8 a distance of 2.00 feet to a point, being 47.00 feet right of Cleveland Avenue centerline Station 62+02.13;

Thence crossing the said 0.506 acre tract by the following three (3) described courses:

1. South 7°20'41" East, a distance of 93.87 feet to an angle point, being 110.51 feet left of centerline Station 181+13.73;

2. South 28°48'20" East, a distance of 48.28 feet to an angle point, being 70.00 feet left of centerline Station 181+40.00;

3. South 81 °15'15" East, a distance of 125.12 feet to an iron pin set in the easterly line of the said 0.506 acre tract, being in the westerly line of the said 0.742 acre tract, being 60.00 feet left of centerline Station 182+64.72;

Thence South 3°42'37" West, along the easterly line of the said 0.506 acre tract, along the westerly line of the said 0.742 acre tract a distance of 5.00 feet to the True Place of Beginning.

The above described temporary construction easement contains 0.052 acres from Auditor's Parcel number 010-033937-00.

The bearings for this description are based on the Ohio State Plane Coordinate System, South Zone and the North American Datum of 1983(1986), established by a field traverse originating on Franklin County survey control monuments "Clark Azimuth" and "Clark 1928 1982", located along Karl Road, south of Morse Road. The bearing between these monuments is S0039'58"W. This description was prepared by MS Consultants, Inc. from an actual field survey (2002) and existing records. Iron pins set are 5/8"x30" long rebar with plastic cap stamped 7912-MS Consultants.

**PARCEL 15 WD (0.070 Acre)
MORSE ROAD WARRANTY DEED**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 2, Range 17, United States Military Lands, and being a part of a 0.506 acre tract described as Parcel IV in a General Warranty Deed to Oxford Coventry I, LLC. of record Instrument Number 20040804181851, all records are on file at the Recorder's Office, Franklin County, OH, all stations and offsets reference the centerline of construction of Morse

Road, unless otherwise noted, prepared by MS Consultants, inc. for the City of Columbus, said parcel 15 WD being more particularly bounded and described as follows:

Beginning for Reference at a 1 inch diameter iron pin centerline monument for Morse Road at the centerline intersection of Morse Road and Cleveland Avenue found in a monument box at centerline Station 180+49.60 and Cleveland Avenue centerline Station 60+00.00;

Thence South 85°50'18" East with the centerline of Morse Road, a distance of 215.16 feet to a point at centerline Station 182+64.76;

Thence North 4°09'42" East, a distance of 55.00 feet to a point at the southeasterly corner of the said 0.506 acre tract, being in the westerly line of a 0.742 acre tract as described in a General Warranty Deed to Spiros Spantithos, et. al. of record Official Record 31581 A06, being 55.00 feet left of centerline Station 182+64.76;

Thence North 87°50'26" West, along the southerly line of the said 0.506 acre tract, along the existing northerly right-of-way line of Morse Road a distance of 96.11 feet to an iron pin set, being 51.64 feet left of centerline Station 181+68.72, and being the True Place of Beginning for the herein described parcel;

Thence North 87°50'26" West, along the southerly line of the said 0.506 acre tract, along the existing northerly right-of-way line of Morse Road a distance of 63.85 feet to an angle point, being 49.41 feet left of centerline Station 181+04.90;

Thence North 41°15'13" West, along a southwesterly line of the said 0.506 acre tract, along an existing northeasterly right-of-way line of Morse road a distance of 22.21 feet to an angle point, being 65.00 feet left of centerline Station 180+89.08;

Thence North 3°42'37" East, along the westerly line of the said 0.506 acre tract, along the easterly right of way line of Cleveland Avenue a distance of 137.50 feet to a point at the northwesterly corner of the said 0.506 acre tract, being the southwesterly corner of Lot 8, Brooklyn Heights as numbered and delineated in Plat Book 16, Page 49 as described in a Warranty Deed to Antonio Volpe and Iris V. Volpe of record Deed Book 3674, Page 842, being 40.00 feet right of Cleveland Avenue centerline Station 62+02.19;

Thence South 85°50'18" East, along the northerly line of the said 0.506 acre tract, along the southerly line of the said Lot 8 a distance of 5.00 feet to an iron pin set in a proposed easterly right-of-way line of Cleveland Avenue, being 45.00 feet right of Cleveland Avenue centerline Station 62+02.16;

Thence crossing the said 0.506 acre tract by the following three (3) described courses:

1. South 4°38'38" East, along a proposed easterly right-or-way line of Cleveland Avenue a distance of 92.70 feet to an iron pin set at a point, being 110.88 feet left of centerline Station 181+07.19 and 58.47 feet right of Cleveland Avenue centerline Station 61+10.43;

1)

1. South 1°52'51" West, along a proposed easterly right-or-way line of Cleveland Avenue a distance of 18.23 feet to an iron pin set at a point of curvature, being 92.67 feet left of centerline Station 181+07.92;

1)

1. Along the arc of a curve to the left, along a proposed northeasterly right-of-way line of Morse Road, having a radius of 28.50 feet, a central angle of 75°23'09", an arc length of 37.50 feet to an iron pin set at a point of tangency, being 65.96 feet left of centerline Station 181+30.31, said arc being subtended by a chord bearing South 35°48'43" East, a chord distance of 34.85 feet;

1)

1. South 73°30'17" East, along the proposed northerly right-of-way line of Morse Road a distance of 35.67 feet to an iron pin set; being 58.34 feet left of centerline Station 181+65.16;

8. Thence South 23°49'52" East, along the proposed northerly right-of-way line of Morse Road a distance of 7.59 feet to the True Place of Beginning.

The above-described parcel contains 0.070 acre from Auditor's Parcel number 010033937-00.

The bearings for this description are based on the Ohio State Plane Coordinate System, South Zone and the North American Datum of 1983(1986), established by a field traverse originating on Franklin County survey control monuments "Clark Azimuth" and "Clark 1928 1982 ", located along Karl Road, south of Morse Road. The bearing between these monuments is S0°39'58"W. This description was prepared by ms consultants, inc. from an actual field survey (2002) and existing records. Iron pins set are 5/8"x30" long rebar with plastic cap stamped 7912-MS Consultants.

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.