



Legislation Details (With Text)

File #: 0234-2005 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 1/28/2005 **In control:** Public Service & Transportation Committee
On agenda: 2/14/2005 **Final action:** 2/16/2005

Title: To authorize the Public Service Director to execute those documents required to release the 20 foot wide sanitary sewer easement and the adjacent 40 foot wide construction easement shown on the plat titled Hamilton Road Extension of record in Plat Book 100, Page 3 of the Franklin County, Ohio, Recorder's Office; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/16/2005	1	CITY CLERK	Attest	
2/15/2005	1	MAYOR	Signed	
2/14/2005	1	Columbus City Council	Approved	Pass
2/14/2005	1	COUNCIL PRESIDENT	Signed	
2/4/2005	1	Service Drafter	Sent for Approval	
2/4/2005	1	SERVICE DIRECTOR	Reviewed and Approved	
2/4/2005	1	Service Drafter	Sent for Approval	
2/4/2005	1	CITY ATTORNEY	Reviewed and Approved	
2/4/2005	1	Service Drafter	Sent to Clerk's Office for Council	
1/31/2005	1	Service Reviewer	Reviewed and Approved	
1/31/2005	1	Service Drafter	Sent for Approval	
1/28/2005	1	Service Drafter	Sent for Approval	

Background: The Public Service Department, Transportation Division, recently received a request from Townsend Construction Company asking that the City release a 20 foot wide sanitary sewer easement and a 40 foot wide temporary construction easement adjacent to the 20 foot wide permanent easement. Both these easements are shown on the plat titled Hamilton Road Extension, of record in Plat Book 100, Page 3, of the Franklin County, Ohio Recorder's Office. Townsend Construction Company is requesting these easements be released to allow for the development of the property currently encumbered by these easements. After investigation, it has been determined that there are no utilities currently located within the permanent easement and that if the permanent easement is released the temporary construction easement will not be required. It has also been determined that these existing easements are no longer consistent with the sanitary sewer service plan for this property submitted to the Division of Sewerage and Drainage under plan CC-13347. A value of \$500.00 has been established for the release of these easements.

Fiscal Impact: The City will receive a total of \$500.00, to be deposited in Fund 748, Project 537650, as consideration for the release of these platted easements.

Emergency Justification: The property encumbered with these easements is being sold. The release of these easements by the City is a contingency for closing and to preserve funding the sale of the subject property must be closed on or before March 1, 2005.

To authorize the Public Service Director to execute those documents required to release the 20 foot wide sanitary sewer easement and the adjacent 40 foot wide construction easement shown on the plat titled Hamilton Road Extension of record in Plat Book 100, Page 3 of the Franklin County, Ohio, Recorder's Office; and to declare an emergency.

WHEREAS, the City of Columbus, Public Service Department, Transportation Division, recently received a request from Townsend Construction Company asking that the City release a 20 foot wide sanitary sewer easement and an adjacent 40 foot wide temporary construction easement, both shown on the plat titled Hamilton Road Extension, of record in Plat Book 100, Page 3, of the Franklin County, Ohio Recorder's Office; and

WHEREAS, Townsend Construction Company is requesting these easements be released to allow for the development of the property currently encumbered by these easements; and

WHEREAS, after investigation it has been determined there are no utilities currently located within the permanent easement; and

WHEREAS, it has also been determined that the temporary construction easement will not be required if the permanent sanitary sewer easement is released; and

WHEREAS, it has been determined that these existing easements are no longer consistent with the sanitary sewer service plan for this property that has been submitted to the Division of Sewerage and Drainage under plan CC-13347; and

WHEREAS, a value of \$500.00 has been established for the release of the requested easements; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Transportation Division, in that it is immediately necessary to authorize the Director to execute those documents to release these easements so that the property encumbered with said easements can be sold by March 1, 2005 thereby preserving 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 Public Service Director be and is hereby authorized to execute those documents necessary to release the 20 foot wide sanitary sewer easement and the adjacent 40 foot wide temporary construction easement shown on the plat titled Hamilton Road Extension, of record in Plat Book 100, Page 3, of the Franklin County, Ohio, Recorder's Office, said 20 foot wide permanent easement being more particularly described as follows; to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 2, Range 16, United States Military Lands and being 0.526 acres out of a 24.416 acre tract as conveyed to Townsend Construction Company of record in Instrument Number 2003110403531855 (all records being of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a point at the intersection of Central College Road and Hamilton Road as recorded in Plat Book 100, Page 3;

Thence South 02°08'14" West with the centerline of said Hamilton Road, a distance of 1057.30 feet to a point;

Thence North 87°51'46" West crossing said Hamilton Road, a distance of 75.00 feet to a point on the westerly line of a 25 foot sanitary and waterline easement dedicated by said plat of Hamilton Road and being the true point of beginning;

Thence through said 24.416 acre tract and with a 20 foot Sanitary Sewer Easement the following ten (10) courses;

- 1) South 02°08'14" West with the westerly line of said 25 foot easement, a distance of 21.44 feet to a point;
- 2) North 66°42'45" West, a distance of 299.25 feet to a point;
- 3) North 70°13'56" West, a distance of 348.79 feet to a point;
- 4) South 19°46'04" West, a distance of 97.95 feet to a point;
- 5) South 03°33'55" West, a distance of 380.92 feet to a point;
- 6) North 86°28'52" West, a distance of 20.00 feet to a point on the easterly line of a 60.492 acre tract as conveyed to Dominion Homes Inc. of record in Instrument Number 200311040356156;
- 7) North 03°33'55" East with said line and also with a line of a 5.000 acre tract as conveyed to

Marjorie G. Bevelhmer of record in Instrument Number 200005120093584, a distance of 383.78 feet to a point;

- 8) North $19^{\circ}46'04''$ East, a distance of 120.80 feet to a point;
- 9) South $70^{\circ}13'56''$ East, a distance of 369.41 feet to a point;
- 10) South $66^{\circ}42'45''$ East, a distance of 292.12 feet and being the true point of beginning and containing 0.526 acres of land more or less.

This description was prepared by Environmental Design Group Inc., Columbus, Ohio. The Basis of Bearings is South $02^{\circ}08'14''$ West for the centerline of Hamilton Road as recorded in Plat Book 100, Page 3.

Maynard H. Thompson, Registered Surveyor No. 7128

Section 2. That the \$500.00 to be received by the City as consideration for the above referenced release shall be deposited in Fund 748, Project 537650.

Section 3. 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 passage if the Mayor neither approves nor vetoes the same.