



Legislation Details (With Text)

File #: 0936-2007 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 6/4/2007 **In control:** Public Service & Transportation Committee
On agenda: 6/18/2007 **Final action:** 6/20/2007
Title: To authorize the Director of the Public Service Department to execute a State of Ohio Easement and any ancillary documents necessary to accept an easement in, over, under, across, and through certain State of Ohio owned real property necessary for the Sawmill Road at West Case Road right turn lane Project, and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|------------------------------------|--------|
| 6/20/2007 | 1 | CITY CLERK | Attest | |
| 6/19/2007 | 1 | MAYOR | Signed | |
| 6/18/2007 | 1 | Columbus City Council | Approved | Pass |
| 6/18/2007 | 1 | COUNCIL PRESIDENT | Signed | |
| 6/8/2007 | 1 | Atty Drafter | Sent for Approval | |
| 6/8/2007 | 1 | CITY ATTORNEY | Reviewed and Approved | |
| 6/8/2007 | 1 | Atty Drafter | Sent to Clerk's Office for Council | |
| 6/7/2007 | 1 | SERVICE DIRECTOR | Reviewed and Approved | |
| 6/6/2007 | 1 | Service Reviewer | Reviewed and Approved | |
| 6/5/2007 | 1 | Atty Reviewer | Reviewed and Approved | |
| 6/5/2007 | 1 | Atty Drafter | Sent for Approval | |
| 6/4/2007 | 1 | Atty Drafter | Sent for Approval | |

Background: The City of Columbus is engaged in the Sawmill Road at West Case Road right turn lane Project. The purpose of this project is to provide a right turn lane from westbound West Case Road to northbound Sawmill Road. The City has determined it necessary to acquire an easement across, under and through certain real property owned by the State of Ohio, located in the project area. It is the policy and practice of the State of Ohio that those State documents conveying easements be signed on behalf of the Grantee for purposes of accepting the terms contained therein. The Director of the Department of Public Service does not have apparent or inherent authority to sign and accept real property on behalf of the City of Columbus and therefore it is necessary that he be authorized by the following legislation to execute a State of Ohio Easement and any ancillary documents necessary to accept an easement, as granted from the State of Ohio.

Fiscal Impact: N/A

Emergency Justification: Emergency action is requested in order to allow for the immediate acceptance of the subject easement for the improvement to the roadway, and preservation of the public health, peace, property and safety.

To authorize the Director of the Public Service Department to execute a State of Ohio Easement and any ancillary documents necessary to accept an easement in, over, under, across, and through certain State of Ohio owned real property necessary for the Sawmill Road at West Case Road right turn lane Project, and to declare an emergency.

WHEREAS, the City of Columbus is engaged in the **Sawmill Road at West Case Road right turn lane Project**; and,

WHEREAS, the purpose of this project is to provide a right turn lane from westbound West Case Road to northbound Sawmill Road; and

WHEREAS, it is the policy and practice of the State of Ohio that those State documents conveying easements be signed on behalf of the Grantee for purposes of accepting the terms contained therein; and

WHEREAS, the Director, Department of Public Service, does not have apparent or inherent authority to sign and accept real property on behalf of the City of Columbus; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, that it is immediately necessary to authorize the Director of the Public Service Department to execute those instruments, as approved by the Real Estate Division, Department of Law, necessary to accept an easement across, under and through certain real property from the State of Ohio, for the immediate preservation of the public health, peace, property and safety; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Director of the Public Service Department be and hereby is authorized to execute a State of Ohio Easement and any ancillary documents, as approved by the Department of Law, Real Estate Division, necessary to accept an easement, as granted by the State of Ohio, across, under and through the following described real property for the Sawmill Road at West Case Road right turn lane Project:

LEGAL DESCRIPTION

1WD

0.209 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 4, Township 2. Range 19, United States Military District and being part of that tract conveyed to The Ohio State University of record in Deed Book 3252, Page 433 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning, for reference, at Monument FCGS 0051 found marking the centerline intersection of Sawmill Road with West Case Road.

thence North 02° 39' 12" East, with the centerline of said Sawmill Road, a distance of 31.88 feet;

thence South 87°20' 48" East, leaving said centerline, a distance of 60.00 feet to an iron pin marking the southeasterly corner of that tract conveyed to the City of Columbus of record in Instrument Number 200202040031029, in the easterly right-of-way line for said Sawmill Road, the True Point of Beginning;

thence North 02° 39' 12" East, with said easterly right-of-way line, a distance of 12.94 feet to an iron pin set;

thence across said Ohio State University tract, the following courses:

South 87° 10' 35" East, a distance of 590.15 feet to an iron pin set;

South 02° 48' 40" West, a distance of 20.00 feet to an iron pin set in the northerly right-of-way line for said West Case Road (Road Record 15, Page 1);

thence with said northerly right-of-way line (Road Record 15, Page 1 and Official Record 19890H 16), the following courses:

North 87°10' 35" West, a distance of 50.04 feet to an iron pin set;

North 02° 49' 25" East, a distance of 5.00 feet to an iron pin set;

North 87° 10' 35" West, a distance of 530.14 feet to an iron pin set at a point of curvature;

with a curve to the right, having a central angle of 23° 24' 28" and a radius of 25.00 feet, a chord bearing and chord distance of North 75° 28' 20" West, 10.14 feet to the True Point of Beginning and containing 0.209 acre, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long

with plastic plug placed in the top bearing the initials EMHT INC.

This description was prepared from existing records and an actual field survey performed in August 2003. Bearings are based on the Ohio State Plane Coordinate System as per NAD83, South Zone.

Section 2. 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.