



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed
File created: 12/26/2008 **In control:** Recreation & Parks Committee
On agenda: 3/2/2009 **Final action:** 3/4/2009
Title: To authorize the Executive Director of the Department of Recreation and Parks to execute a "Declaration of Restrictions" for that City owned real property located in the vicinity of Mock Road and Sunbury Road, and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. DECLARATION OF RESTRICTIONS EAGLE GRADING-Dominion 12.22.08.pdf

Date	Ver.	Action By	Action	Result
3/4/2009	1	CITY CLERK	Attest	
3/3/2009	1	MAYOR	Signed	
3/2/2009	1	Columbus City Council	Approved	Pass
3/2/2009	1	COUNCIL PRESIDENT	Signed	
2/19/2009	1	Atty Drafter	Sent for Approval	
2/19/2009	1	CITY ATTORNEY	Reviewed and Approved	
2/19/2009	1	Atty Drafter	Sent to Clerk's Office for Council	
2/18/2009	1	Rec & Parks Drafter	Sent for Approval	
2/4/2009	1	Rec & Parks Drafter	Sent for Approval	
2/4/2009	1	REC & PARKS DIRECTOR	Reviewed and Approved	
1/30/2009	1	Atty Reviewer	Reviewed and Approved	
1/30/2009	1	Atty Drafter	Sent for Approval	
1/12/2009	1	Atty Drafter	Sent for Approval	

Background:

The City of Columbus Ohio, owns certain property located along Alum Creek and Sunbury Road, south of Mock Road. The Ohio Environmental Protection Agency ("OEPA") required NP Limited to purchase and donate this property, more fully described within the body of this legislation, to the Department of Recreation and Parks to mitigate certain environmental impacts during construction activities at Polaris Mall. The "OEPA" also stipulated that the City will place deed restrictions on the property to provide permanent conservation protection. The property is to be used for the purpose of stream corridor preservation and future trail use. The following legislation authorizes the Director of the Recreation and Parks to execute a Declaration of Restrictions on behalf of the City.

Fiscal Impact: N/A

Emergency Justification: Emergency Justification: Emergency action is requested as not to delay the protection of the

Alum Creek water quality.

To authorize the Executive Director of the Department of Recreation and Parks to execute a "Declaration of Restrictions" for that City owned real property located in the vicinity of Mock Road and Sunbury Road, and to declare an emergency.

WHEREAS, the City of Columbus Ohio, owns certain real property located along Alum Creek and Sunbury Road, south of Mock Road; and

WHEREAS, the Ohio Environmental Protection Agency ("OEPA") has required NP Limited to purchase and donate this property, more fully described within the body of this legislation, to the Department of Recreation and Parks to mitigate certain environmental impacts during construction activities at Polaris Mall; and

WHEREAS, the "OEPA" also stipulated that the City will place deed restrictions on the property to provide permanent conservation protection. The property is to be used for the purpose of stream corridor preservation and future trail use; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, in that it is immediately necessary to authorize the Department of Recreation and Parks to execute a "Declaration of Restrictions" for the immediate preservation of the public peace, property, health and safety; now, therefore:

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

Section 1. That the Director of Department of Recreation and Parks be and hereby is authorized to execute a "Declaration of Restrictions", as prepared by the Real Estate Division, Department of Law, for the following described real property, located in the City of Columbus, Franklin, County, State of Ohio and identified as Franklin County Tax Parcel Number 010-143553, which was conveyed to the City of Columbus through Instrument Numbers 200108100185368 and 200308150260011, Recorder's Office, Franklin County, State of Ohio:

2.38 ACRES +/-

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus, to-wit: Situated in the Third Quarter, First Township and Seventeenth Range, United States Military Lands, and being part of lot Number Two (2) of John Horlocker's Farm Subdivision, as the same is recorded in Plat Book No.4, Page 353, in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a nail in the center of Sunbury Road; thence along the north line of said parcel, S 86°39'45" E, a distance of 315.23 feet to the center of Alum Creek;

Thence meandering south along the centerline of said Alum Creek S 24°56'00" W, a distance of 3 19.00 feet to a point;

Thence S 22'0'00" W, a distance of 121.00 feet, to the southeast corner of said parcel;

Thence along the southerly line of said parcel, N 86°19'00" W, 220.00 feet to a spike in the center of Sunbury Road;

Thence along the center of Sunbury Road, N 14°03'04" E, a distance of 178.14 feet to a nail in the center of Sunbury Road;

Thence N 10°30'00" E, a distance of 236.15 feet, to the place of beginning. containing 2.47 acres more or less.

Parcel 2. Situated in County of Franklin, in the State of Ohio, and in the City of Columbus, to-wit: Situated in Third Quarter, First Township and Seventeenth Range, United States Military lands. and being a part of lot Number Two(2) of John Horlocker's Farm Subdivision, as the same is recorded in Plat Book No.4, Page 353, in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a spike in the center of Sunbury Road where the North line of the above mentioned "John Horlocker's Farm Subdivision" intersects said centerline;

Thence with the North line of said "John Horlocker's Farm Subdivision", S 86°37'00" E, a distance of 291.04 feet to a point in the center of Alum Creek (passing an iron pin at a distance of 244.77 feet);

Thence meandering with the centerline of said Alum Creek the following bearings and distances: S 6°

39°15" W, a distance of 190.40 feet to a point;
Thence S 24°55'15" W, a distance of 149.12 feet to a point in the southeasterly corner of said described tract;
Thence with the Southerly line of said parcel N 86°39'45" W, a distance of 315.23 feet to a nail in the center of said Sunbury Road (passing an iron pin at a distance of 61.28 feet);
Thence with the center of said Sunbury Road the following bearings and distances: N 19°31'30" E, a distance of 162.72 feet to a nail in the center of said Sunbury Road;
Thence N 18°08'30" E, a distance of 79.53 feet to a nail in the center of said Sunbury Road;
Thence N 17°38'00" E, a distance of 98.90 feet to the place of beginning, containing 2.38 acres, more or less.

4.066 ACRES +/-

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 1 North, Range 17 West, United States Military District, and being a 4.066 acre tract out of a 45.495 acre tract conveyed to Dominion Homes Inc., by a deed of record in Instrument Number 200108230195802, all records here in of the Recorder's Office, Franklin County, Ohio, said 4.066 acre tract being more particularly described as follows:

BEGIN FOR REFERENCE, at a point marking the intersection of Mock Road and Sunbury Road as shown and delineated on the Franklin County Engineer's plan for ESTABLISHING, ALTERING AND WIDENING SUNBURY ROAD SEC. "A" PART, dated August 23, 1965;

Thence South 05° 53' 04" West, a distance of 214.97 feet, along the centerline of said Sunbury Road, to a point;

Thence North 89° 27' 52" East, a distance of 30.48 feet, leaving the centerline, to the POINT OF BEGINNING, in the easterly right-of-way line of said Sunbury Road, also being the southwest corner of a 1.15 acre tract conveyed to M-Sunbury Development Co., Inc., by a deed of record in Deed Book 3247, Page 561,

Thence North 89° 27' 52" East, a distance of 261.30 feet, along the line common to said 45.495 and 1.15 acre tracts, passing an iron pin set for reference at a distance of 211.30 feet, to a point in the centerline of Alum Creek, being the common corner of said 45.495 and 1.15 acre tracts, being in the westerly property line of a 25.70 acre tract conveyed to Columbus School for Girls, Inc. by a deed of record in Official Record 18334, H-15;

Thence the following seven (7) courses and distances along the centerline of said Alum Creek, being the line common to said 45.495 and 25.70 acre tracts:

1. Thence South 03° 22' 11" East, a distance of 127.96 feet, to a point;
2. Thence South 22° 26' 12" West, a distance of 228.55 feet, to a point;
3. Thence South 15° 38' 31" West, a distance of 100.14 feet, to a point;
4. Thence South 37° 55' 53" West, a distance of 72.66 feet, to a point;
5. Thence South 20° 24' 27" West, a distance of 99.14 feet, to a point;
6. Thence South 14° 37' 39" East, a distance of 77.27 feet, to a point;
7. Thence South 06° 31' 46" East, a distance of 98.43 feet, to a point;

Thence South 16° 52' 34" East, a distance of 247.79 feet, continuing along the centerline of said Alum Creek, being the line common to said 45.495 and 25.70 acre tracts, then common to a 6.357 acre tract, conveyed to Jordan Temple by a deed of record in Instrument Number 199806011311635, to a point being the common corner of said 45.495 acre tract and a 2.38 acre tract conveyed to City of Columbus, Ohio, by a deed of record in Instrument Number 2001108100185368;

Thence North 85° 37' 30" West, a distance of 249.11 feet, along the line common to said 45.495 and 2.38 acre tracts, passing an iron pin set for reference at 50.00 feet, to an iron pin set in the easterly right-of-way line of said Sunbury Road;

Thence along the arc of a curve turning to the left, having a central angle of 14 ° 40' 19", a radius of 2151.98', an arc length of 551.06', a chord bearing of North 06° 56' 29" East, a chord length of 549.56', to an iron pin set at the point of tangency;

Thence North 00° 28' 07" East, a distance of 423.23 feet, continuing along the easterly right-of-way line of said Sunbury Road, to an iron pin set;

Thence North 05° 48' 17" East, a distance of 5.16 feet, continuing along the easterly right-of-way line of said Sunbury Road, to the POINT OF BEGINNING, containing 4.066 acres.

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.

