



Legislation Details (With Text)

File #: 1849-2013 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 7/11/2013 **In control:** Development Committee

On agenda: 7/22/2013 **Final action:** 7/25/2013

Title: To agree to an adjustment to the City's boundaries by consenting to transfer approximately 1.4+/- acres from the City of Columbus to the City of Upper Arlington; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1849-2013 REVISED 1 4 ACRE BOUNDARY ADJUSTMENT OFF OF KINNEAR RD

Date	Ver.	Action By	Action	Result
7/25/2013	1	ACTING CITY CLERK	Attest	
7/24/2013	1	ACTING MAYOR	Signed	
7/22/2013	1	COUNCIL PRESIDENT	Signed	
7/22/2013	1	Columbus City Council	Approved	Pass

Background: The City of Upper Arlington (Upper Arlington) has received a grant from the Ohio Public Works Commission (OPWC) to improve the intersection of Kinnear Road and North Star Road. This intersection lies at the boundary line between the two municipalities. Improvements will include a traffic circle and expanded right-of-way (ROW). While much of the existing intersection ROW is within Upper Arlington, the additional portion needed for the improvements lies within Columbus. This area consists of existing ROW associated with Kinnear Road and land owned controlled by The Ohio State University (OSU).

It is in the best interest of all parties if the intersection is within a single jurisdiction as it will facilitate construction and subsequent maintenance. It is the desire, therefore, of both Columbus and Upper Arlington to transfer the subject territory from Columbus to Upper Arlington. Completion of the boundary adjustment process is contingent upon OSU conveying a highway easement as illustrated on the plat map. Upon completion of that process, Columbus and Upper Arlington will submit their corresponding ordinances to Franklin County for final action in accordance with the provisions of Ohio Revised Code - Section 709.37. Emergency consideration is requested for this legislation to facilitate the intersection improvements, which are subject to time constraints associated with the OPWC grant.

Fiscal Impact: None. No funding is required for this legislation.

To agree to an adjustment to the City's boundaries by consenting to transfer approximately 1.4+/- acres from the City of Columbus to the City of Upper Arlington; and to declare an emergency.

WHEREAS, the easterly boundary line of the City of Upper Arlington along North Star Road is a westerly boundary line of the City of Columbus and the said cities therefore have common boundary and adjoin; and

WHEREAS, the City of Upper Arlington has received a grant to improve the intersection of Kinnear Road and North Star Road; and

WHEREAS, an area needed for the expanded ROW associated with the planned improvements lies within Columbus; and

WHEREAS, it is the desire of the cities of Columbus and Upper Arlington to transfer the subject parcels of land and a segment of the Kinnear right of way from the City of Columbus to the City of Upper Arlington to facilitate the construction and maintenance of the traffic improvements and traffic enforcement at the intersection; and

WHEREAS, the Board of Trustees of The Ohio State University has passed a resolution to authorize the granting of an easement for highway purposes on two parcels of land located within the City of Columbus to construct traffic improvements at the intersection between North Star Road and Kinnear Road; and

WHEREAS, the proposed transfer does not involve the transfer of territory inhabited by more than five voters; and

WHEREAS, the boundary adjustment will be contingent upon Upper Arlington's receipt of the easement for highway purposes signed by the appropriate state officials; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to transfer said tract of land in order to facilitate the intersection improvements, which are subject to time constraints associated with the OPWC grant, all for the preservation of the public peace, property, health safety and welfare; **now, therefore,**

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

Section 1. That in accordance with Section 709.37 of the Ohio Revised Code, the City of Columbus hereby agrees to transfer to the City of Upper Arlington the land described as follows:

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 1, Range 18, United States Military Lands, being part of that tract conveyed to The State of Ohio by deed of record in Deed Book 629, Page 11 and part of Kinnear Road, of record in Road Record 20, Page 281 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at Franklin County Geodetic Survey monument number 5231 found at the centerline intersection of North Star Road with Kinnear Road;

Thence easterly, with the centerline of said Kinnear Road, a distance of approximately 30 feet to the intersection of said centerline with the easterly line of City of Upper Arlington, as established by Ordinance Number 35-37, of record in Miscellaneous Record 101, Page 234, being the westerly City of Columbus Corporation line as established by Ordinance Number 239-86, of record in Official Record 7042C15, being in an extension of the easterly right-of-way line of said North Star Road, and being the TRUE POINT OF BEGINNING;

Thence northerly, with said common Corporation line, said easterly right-of-way line, partially with the westerly line of that 0.536 acre Permanent Highway Easement granted to City of Upper Arlington by deed of record in Instrument Number _____, a distance of approximately 450 feet to a point;

Thence across said The State of Ohio tract, with the easterly line of said 0.536 acre Permanent Highway Easement, the following courses and distances:

Southerly, a distance of approximately 69 feet to a point;

Southeasterly, a distance of approximately 114 feet to a point;

Southeasterly, a distance of approximately 186 feet to a point; and

Southeasterly, a distance of approximately 110 feet to a point in the northerly right-of-way line of said Kinnear Road;

Thence easterly, with said northerly right-of-way line, a distance of approximately 71 feet to a point;

Thence southerly, across said Kinnear Road and said The State of Ohio tract, partially with the easterly line of that 0.532 acre Permanent Highway Easement granted to City of Upper Arlington by deed of record in Instrument Number _____, a distance of approximately 70 feet to a point;

Thence continuing across said The State of Ohio tract, with the easterly line of said 0.532 acre Permanent Highway Easement, the following courses and distances:

Westerly, a distance of approximately 82 feet to a point;

Southwesterly, a distance of approximately 98 feet to a point;

Southerly, a distance of approximately 45 feet to a point of curvature;

With said curve, having a radius of approximately 346 feet, an arc of approximately 88 feet and a chord distance of approximately 88 feet to a point of tangency;

Southerly, a distance of approximately 108 feet to a point; and

Southerly, a distance of approximately 61 feet to a point in said easterly right-of-way line, said common Corporation line;

Thence northerly, with said easterly right-of-way line, said common Corporation line, the westerly line of said 0.532 acre Permanent Highway Easement, a distance of approximately 402 feet to the TRUE POINT OF BEGINNING, containing 1.4 acres, more or less.

Section 2. That the City Attorney shall notify the City Clerk when the City of Upper Arlington has received the easement for highway purposes signed by the appropriate state officials.

Section 3. That upon receiving the notification in Section 2, the City Clerk is authorized and directed to deliver a certified copy of this Ordinance to the Franklin County Board of Commissioners for further proceedings in accordance with Section 709.37 of the Ohio Revised Code.

Section 4. That the Development Director and the City Attorney are hereby authorized to take any and all actions necessary to effectuate the boundary adjustment consistent with this Ordinance.

Section 5. That the City of Columbus agrees to the transfer of the territory described in Section 1 to the City of Upper Arlington upon approval of the petition by the Board of Franklin County Commissioners and take any necessary steps to record such acceptance.

Section 6. 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.