



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Details (With Text)

File #: 2190-2013 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/9/2013 **In control:** Finance Committee

On agenda: 9/23/2013 **Final action:** 9/26/2013

Title: To authorize the Director of the Department of Finance and Management on behalf of the City of Columbus, Ohio, for consideration of Thirty-two Thousand and 00/100 U.S. Dollars (\$32,000.00), to execute those documents prepared and approved by the Columbus City Attorney, Real Estate Division, to quit claim grant a utility easement to Berkley House LLC, an Ohio limited liability company, for an underground storm-water sewer utility line and its appurtenances; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|----------|--------|
| 9/26/2013 | 1 | CITY CLERK | Attest | |
| 9/24/2013 | 1 | MAYOR | Signed | |
| 9/23/2013 | 1 | COUNCIL PRESIDENT | Signed | |
| 9/23/2013 | 1 | Columbus City Council | Approved | Pass |

BACKGROUND :

The City of Columbus, Ohio, acting through its Department of Finance and Management ("City"), desires to quit claim grant to Berkley House LLC, an Ohio limited liability company ("Berkley"), a utility easement appurtenant, in, on, under, through, and burdening 0.036 acres of City-owned real property located south of Bethel Road and on the west side of Riverside Drive, Columbus, Ohio 43220 ("Easement Area"). Berkley will use the Easement Area to install, control, construct, reconstruct, replace, operate, maintain, repair, and remove an underground storm-water sewer utility line and its appurtenances for the benefit of a multi-family development complex. The City's Department of Finance and Management determined the City should grant the Easement Area for consideration of Thirty-two Thousand and 00/100 U.S. Dollars (\$32,000.00). Therefore, the following legislation authorizes the City's Director of the Department of Finance and Management to execute those documents prepared and approved by the Columbus City Attorney, Real Estate Division, to quit claim a utility easement to Berkley.

CONTRACT COMPLIANCE №: Not applicable.

FISCAL IMPACT : The City's receipt of the Thirty-two Thousand and 00/100 U.S. Dollars (\$32,000.00) from Berkley will be deposited in Special Purpose Fund 223, Subfund 062, OCA 600223.

EMERGENCY JUSTIFICATION : Emergency action is requested so to not delay the City's benefit resulting from Berkley's development of a multi-family complex, which will preserve the public peace, health, property, safety, and welfare.

To authorize the Director of the Department of Finance and Management on behalf of the City of Columbus, Ohio, for consideration of Thirty-two Thousand and 00/100 U.S. Dollars (\$32,000.00), to execute those documents prepared and approved by the Columbus City Attorney, Real Estate Division, to quit claim grant a utility easement to Berkley House LLC, an Ohio limited liability company, for an underground storm-water sewer utility line and its appurtenances; and to declare an emergency. (\$0.00)

WHEREAS, the City of Columbus, Ohio, acting through its Department of Finance and Management (“City”), desires to quit claim grant to Berkley House LLC, an Ohio limited liability company (“Berkley”), a utility easement appurtenant, in, on, under, through, and burdening 0.036 acres of City-owned real property located south of Bethel Road and on the west side of Riverside Drive, Columbus, Ohio 43220 (“Easement Area”);

WHEREAS, Berkley will use the Easement Area to install, control, construct, reconstruct, replace, operate, maintain, repair, and remove an underground storm-water sewer utility line and its appurtenances for the benefit of a multi-family development complex;

WHEREAS, the City’s Department of Finance and Management determined the City should grant the Easement Area for consideration of Thirty-two Thousand and 00/100 U.S. Dollars (\$32,000.00);

WHEREAS, an emergency exists in the usual daily operation of the City, because it is immediately necessary to authorize the City’s Director of the Department of Finance and Management to execute those documents approved and prepared by the Columbus City Attorney, Real Estate Division, to quit claim grant the Easement Area for Berkley’s development of a multi-family complex, which will preserve the public health, peace, property, safety, and welfare; and now, therefore :

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

SECTION 1. On behalf of the City of Columbus, Ohio (“City”), the Director of the Department of Finance and Management is authorized to execute and quit claim a utility easement and any other ancillary instruments approved and prepared by the Columbus City Attorney, Real Estate Division, to Berkley House LLC, an Ohio limited liability company (“Berkley”), appurtenant, in, on, under, through, and burdening the following described real property (“Easement Area”):

0.036 +/- ACRE EASEMENT AREA

[SOUTH OF BETHEL ROAD, WEST SIDE OF RIVERSIDE DRIVE]

Situated in the State of Ohio, County of Franklin, Township of Perry, Quarter Township 2, Township 1, Range 19, United States Military District and being part of the tracts shown in the deeds to Nancy J. Herdman in Deed Book 720, Page 39 and James Meteer in Deed Book 379, Page 583, said tracts being noted as City of Columbus Parcels 9-X and 10-X as shown on plan S.H.48 SEC. A&L, and described as follows:

Beginning, for reference, at the northwest corner of that 0.5 acre tract conveyed to Mindy Tate and Daniel L. Jones of record in Instrument Number 20120250162075, the same being the southwest corner of that 1.571 acre tract conveyed to Carl B Fry, Tr. of record in Instrument Number 199901210016538, in the center line of Riverside Drive;

Thence N 86° 10’ 42” W, along the west extension of the common to said 0.5 acre and 1.571 acre tracts, 31.56 feet to the west right-of-way line for said Riverside Drive per Road Record 5, Page 82 and Road Record 7, Page 11, the **TRUE POINT OF BEGINNING** ;

Thence **S 14° 15’ 25” E**, along said west right-of-way line (30.00 feet perpendicular from the centerline thereof), **8.70 feet**;

Thence **S 75° 46’ 05” W**, **63.50 feet**, near the east bank of the Scioto River;

Thence **N 14° 15’ 25” W**, parallel to said west right-of-way line, **25.00 feet**, near the east bank of the Scioto River;

Thence **N 75° 46’ 05” E**, **63.50 feet** to said west right-of-way line per Road Record 5, Page 82 and Road Record 7, Page 11;

Thence **S 14° 15' 25" E**, along said west right-of-way line (30.00 feet perpendicular from the centerline thereof), **16.30 feet** to the **TRUE POINT OF BEGINNING**. Containing **0.036 acre**, more or less.

The above description was prepared by Advanced Civil Design, Inc. on 05/07/2013 and is based on existing records of the Franklin County Recorder's Office, a survey of 5314 Riverside Drive by Watcon Consulting Engineers & Surveyors from 08/10/2010, and an actual field survey performed in December 2012. A drawing of the above description is attached hereto and made a part thereof.

Bearings are based on the Ohio State Plane Coordinate System NAD83, CORS96. A bearing of S86° 38'30"E was held for the centerline of Bethel Road in front of Parcel One recorded in Instrument Number 2010008260110411.

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

ADVANCED CIVIL DESIGN, INC.

SECTION 2. The City's receipt of Thirty-two Thousand and 00/100 U.S. Dollars (\$32,000.00), as consideration for granting the Easement Area to Berkley, will be deposited with the in Special Purpose Fund 223, Subfund 062, OCA 600223.

SECTION 3. For the reasons stated in this ordinance's preamble, which are made a part of this ordinance, this ordinance is declared to be an emergency measure and is effective and in force from and after its passage and approval by the Mayor or ten (10) days after its passage if the Mayor neither approves nor vetoes this ordinance.