



Legislation Text

File #: 0145X-2009, **Version:** 1

Background:

The following is a resolution to declare the necessity and intent to appropriate construction easements in, over, under and through real estate in connection with the Lazelle Road Storage Tank Improvements Project.

Fiscal Impact:

N/A

Emergency Justification: is requested to allow right-of-way acquisition-related activities to begin immediately without delay so that the City can meet current acquisition schedules.

To declare the necessity and intent to appropriate construction easements in, over, under and through real estate in connection with the Lazelle Road Storage Tank Improvements Project, and to declare an emergency.

WHEREAS, the City of Columbus is engaged in the Lazelle Road Storage Tank Improvements Project; and,

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Power and Water, in that it is immediately necessary to declare the necessity and intent to appropriate construction easements in, over, under and through the hereinbefore described real estate necessary for the aforementioned project so that there will be no delay in the project thereby preserving the public health, peace, property, safety, and welfare; now, therefore:

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

Section 1. That this Council hereby declares the necessity and intent to appropriate construction easements in, over, under and through the following described real estate necessary for the Lazelle Road Storage Tank Improvements Project, Project #690424, pursuant to and in accordance with the Charter of the City of Columbus, Columbus City Code (1959) Revised, Chapter 909, the Constitution of the State of Ohio and Ohio Revised Code, Chapter 719; to-wit:

**1T
TEMPORARY EASEMENT
0.422 ACRES**

Situated in the State of Ohio, County of Delaware, City of Columbus, lying in Farm Lot 1, Section 3, Township 3, Range 18, United States Military Lands, being on, over, and across the remainder of the original 7.051 acre tract conveyed to Sancus Retail Partners II, LLC by deed of record in Deed Book 853, Page 285, (all references are to the records of the Recorder's Office, Delaware County, Ohio) and being more particularly described as follows:

BEGINNING at a southwesterly corner of the remainder of said original 7.051 acre tract, the northwesterly corner of the 1.001 acre tract conveyed to JCLC Enterprises, LLC by deed of record in Deed Book 853, Page 296, and on the easterly line of the 1.7309 acre tract conveyed to City of Columbus by deed of record in Deed Book 552, Page 599;

Thence North 03° 34' 23" East, with the westerly line of said original 7.051 acre tract and with the easterly line of said 1.7309 acre tract, a distance of 175.00 feet to a point;

Thence across said original 7.051 acre tract, the following courses and distances:

South 86° 37' 45" East, a distance of 105.00 feet to a point;

South 03° 34' 23" West, a distance of 175.00 feet to a point on the southerly line of remainder of said original 7.051 acre tract, the northerly line of said 1.011 acre tract;
Thence North 86° 37' 45" West, with the southerly line of the remainder of said original 7.051 acre tract and with the northerly line of said 1.011 acre tract, a distance of 105.00 feet to the POINT OF BEGINNING and containing 0.422 acre, more or less.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.

Michael O. Wanchick Date

Professional Surveyor No. 7854

Section 2. That the City Attorney be and hereby is authorized to cause a written notice of the adoption of this resolution to be served upon the owners, persons in possession of or persons having a real or possible interest of record in the above described premises in the manner provided by law.

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this resolution is declared to be an emergency measure and shall take effect and be in force from and after its adoption and approval by the Mayor, or ten days after adoption if the Mayor neither approves nor vetoes the same.