



## Legislation Text

File #: 0142X-2005, Version: 1

### Background:

The following is a resolution to declare the necessity and intent to appropriate perpetual and construction easements in, over, under and through real estate in connection with the **West Fifth Avenue Underpass Stormwater System Project**.

### Fiscal Impact:

N/A

### Emergency Justification:

Emergency action is requested to allow acquisition activities necessary to the above referenced project to proceed without delay in order to commence within this year's construction season.

To declare the necessity and intent to appropriate perpetual and construction easements in, over, under and through real estate in connection with the **West Fifth Avenue Underpass Stormwater System Project**, and to declare an emergency.

WHEREAS, the City of Columbus is engaged in the **West Fifth Avenue Underpass Stormwater System Project**; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Sewerage and Drainage, in that it is immediately necessary to declare the necessity and intent to appropriate perpetual and 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 permanent and construction easements in, over, under and through the following described real estate necessary for the West Fifth Avenue Underpass Stormwater System Project, Project # 610846, 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

#### **CSX Transportation Inc.**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Lot 8, William Neils Heirs Land, and being a strip of land Five (5.00) feet in width across a part of said lot 8, as shown of record in Plat Book 3, Pages 168 and 169, as conveyed to CSX Transportation Inc., by deeds of record in Deed Book 924, Page 338 and Official Record 13286G 13, all references refer to records of the Recorders Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at a point at the intersection of the southerly right-of-way line (60.00 feet in width) of West Fifth Avenue and the easterly right-of-way line of said CSX Transportation Inc.;

Thence South 12° 20' 00" East, being along said easterly right-of-way, also being the westerly line of that tract of land as conveyed to BP Exploration & Oil, Inc. by deed of record in Instrument Number 199712220173197, a distance of 5.19 feet to a point;

Thence North 86° 51' 00" West, crossing Grantors tract, (being Five (5.00) feet southerly from and parallel with the

southerly right-of-way line of West Fifth Avenue) a distance of 46.11 feet to a point;  
Thence North 3° 09' 00" East, containing across said Grantors tract, a distance of 5.00 feet to a point in the southerly right-of-way line of West Fifth Avenue,  
Thence South 86° 51' 00" East, being along the southerly right-of-way line of West Fifth Avenue, a distance of 45.00 feet to the place of beginning containing 0.0052 acre of land more or less;  
The bearings are based on the same meridian as the bearings in Instrument Number 199712220173197 in which the south right-of-way line of West Fifth Avenue has a bearing of South 86° 51' 00" East, Recorder's Office, Franklin County, Ohio.  
Dynotec, Inc., James R. Hil, Professional Surveyor 6919

**2T**

**BP Exploration & Oil, Inc.**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Lot 8, William Neils Heirs Land, and being a strip of land Ten (10.00) feet in width across a part of said lot 8, as shown of record in Plat Book 3, Pages 168 and 169, as conveyed to BP Exploration & Oil, Inc. by deed of record in Instrument Number 199712220173197, all references refer to records of the Recorders Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at a point in the southerly right-of-way line (60.00 feet in width) of West Fifth Avenue, being located South 86° 51' 00" East, a distance of 105.00 feet from the Grantor's northwesterly corner;  
Thence South 86° 51' 00" East, being along said southerly right-of-way line of West Fifth Avenue, a distance of 50.00 feet to a point;

Thence crossing said Grantors tract the following three (3) courses and distances;

South 3° 09' 00" West, a distance of 10.00 feet to a point;

North 86° 51' 00" West, (being Ten (10.00) feet southerly from and parallel with the southerly right-of-way line of West Fifth Avenue) a distance of 50.00 feet to a point, and

North 3° 09' 00" East, a distance of 10.00 feet to the place of beginning containing 0.0115 acre of land more or less;

The bearings are based on the same meridian as the bearings in Instrument Number 199712220173197 in which the south right-of-way line of West Fifth Avenue has a bearing of North 86° 51' 00" East, Recorder's Office, Franklin County, Ohio.

Dynotec, Inc., James R. Hill, Professional Surveyor 6919

**3T**

**Marathon Oil Company**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Lot 5, Subdivision of Franklin County Infirmery Farm, and being a strip of land Ten (10.00) feet in width across a part of said lot 5, as shown of record in Plat Book 3, Page 4, as conveyed to Marathon Oil Company by deed of record in Instrument Number 199902090029120, all references refer to records of the Recorders Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at a point in the northerly right-of-way line (60.00 feet in width) of West Fifth Avenue, being located South 85° 22' 45" East, a distance of 122.40 feet from the Grantor's southwesterly corner;

Thence crossing said Grantors tract the following three (3) courses and distances;

North 4° 37' 15" East, a distance of 10.00 feet to a point;

South 85° 22' 45" East, being Ten (10.00) feet northerly from and parallel with the northerly right-of-way line of West Fifth Avenue, a distance of 45.00 feet to a point; and,

South 4° 37' 15" West, a distance of 10.00 feet to a point in the northerly right-of-way line of West Fifth Avenue;

Thence North 85° 22' 45" West, being along the northerly right-of-way line of West Fifth Avenue, a distance of 45.00 feet to the place of beginning containing 0.0103 acre of land more or less.

The bearings are based on the same meridian as the bearings in Instrument Number 199902090029120 in which the north right-of-way line of West Fifth Avenue has a bearing of North 85° 22' 45" West, Recorder's Office, Franklin County, Ohio.

Dynotec, Inc., James R. Hill, Professional Surveyor 6919

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.