



Legislation Text

File #: 0219-2005, **Version:** 1

Background: During a boundary survey of Griggs Reservoir, certain permanent structures, including, but not limited to, a gravel driveway, retaining wall and a portion of an aeration system were discovered to have encroached onto a 0.112 ± acre portion of real property owned by the City of Columbus, located in the vicinity of Dublin Road and Med-O-Mac Drive. It has been determined that Linda M. Mosure is the owner of the encroaching structures and of the real property adjacent to the City's property. The City of Columbus and Linda M. Mosure have been in correspondence with each other in an attempt to reach an agreement, which will alleviate the encroachment issue as well as allow the property owner access to his property. After investigation by the Recreation and Parks Department, and the Department of Public Utilities, Division of Water, it has been determined that in its best interest, the City should grant the subject portion of land to Linda M. Mosure in exchange for real property of the same acreage to be granted to the City. The exchange has been determined to equitable and therefore no money will be involved. This legislation authorizes the Director of the Department of Public Utilities to execute those documents necessary to grant the aforementioned real property in exchange for property of equitable acreage.

Fiscal Impact: N/A

Emergency Justification: The subject permanent structure presently encroaches on the City's real property and therefore emergency action is requested to have this issue immediately alleviated without delay.

To authorize the Director of the Department of Public Utilities to execute those documents necessary to grant 0.112 ± acres of City owned real property located in the vicinity of Griggs Reservoir, in exchange for a warranty deed of equal acreage to be granted to City of Columbus in order to alleviate an existing encroachment onto City property; to waive the Land Review Commission provisions of the Columbus City Codes (1959) and to declare an emergency.

WHEREAS, the City of Columbus ("City") is the owner of a certain 0.112 ± acre portion of real property, located at Griggs Reservoir, in the vicinity of Dublin Road and Med-O-Mac Drive; and

WHEREAS, during a boundary survey of Griggs Reservoir, certain permanent structures, including, but not limited to, a gravel driveway, retaining wall and a portion of an aeration system were discovered to have encroached onto a 0.112 ± acre portion City owned property; and

WHEREAS, it has been determined that Linda M. Mosure is the owner of the real property adjacent to the subject City's property and of the encroaching structures; and

WHEREAS, the City of Columbus and Linda M. Mosure have been in correspondence with each other in an attempt to reach an agreement which will alleviate the encroachment issue as well as allow the property owner access to his property; and

WHEREAS, after investigation by the Recreation and Parks Department and the Department of Public Utilities, Division of Water, it has been determined that in its best interest, the City should grant the subject portion of land to Linda M. Mosure in exchange for real property of the same acreage to be granted to the City; and

WHEREAS, the City has determined the exchange to be equitable and therefore no money will be involved; and

WHEREAS, an emergency exists in the usual daily operation of the City, in that it is necessary to authorize the Director of the Department of Public Utilities to execute those documents necessary to grant 0.112 ± acres of City owned real property located in the vicinity of Griggs Reservoir, in exchange for a warranty deed of equal acreage to be granted to City of Columbus in order to immediately alleviate an existing encroachment onto City property, for the preservation of the public health, peace, property, safety,

and welfare; now, therefore:

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

Section 1. That the City of Columbus hereby accepts a warranty deed to the following described real property:
0.112 ACRE

Situated in the State of Ohio, County of Franklin, Township of Norwich, Virginia Military Survey No. 1406, being a 0.112 acre tract of land out of that Tract Number One (1) of the unrecorded plat of the "Subdivision of the Robert K. McAllister 61.851 Acre Tract" (known as Med-O-Mac Acres), being on file in the Franklin County Engineer's Office, Franklin County, Ohio, and being further described as that 2.949 acre tract as described in a deed to Thomas E. Mosure, Jr. and Linda M. Mosure, of record in Instrument Number 200001310020725, all references to records are on file in the Recorder's Office, Franklin County, Ohio, said 0.112 acre tract of land being more particularly described as follows:

Beginning for reference at a concrete monument found at an angle point in the westerly line of that 16.96 acre tract (west side of the Scioto River) as described in a deed to the City of Columbus, of record in Deed Book 1050, Page 298, with a listed Latitude of 40°02'41.9" and Longitude of 83°05'49.9" as delineated on page 11 of 21 on a plat of survey of said 16.96 acre tract entitled "Griggs Reservoir Boundary Survey" on file in the City of Columbus, Department of Public Utilities, Division of Water, said monument also being at the southeasterly corner of said Tract Number One (1) and at the southeasterly corner of said 2.949 acre tract and the northeasterly corner of the 0.139 acre tract as described in said deed to Thomas E. Mosure, Jr. and Linda M. Mosure, of record in Instrument Number 200001310020725; Thence N 59°21'29" W, along the westerly line of said 16.96 acre tract, the easterly line of said Tract Number One (1), the easterly line of said 2.949 acre tract, a distance of 166.10 feet to an iron pin set and being the True Place of Beginning of the 0.112 acre tract herein described:

Thence S 72°45'50" W, into said Tract Number One (1) and said 2.949 acre tract, a distance of 75.39 feet to an iron pin set;

Thence N 15°11'43" W, continuing through said Tract Number One (1) and said 2.949 acre tract, a distance of 66.44 feet to an iron pin set in the northerly line of said Tract Number One (1) and said 2.949 acre tract, in the southerly line of Tract Number Two of said Med-O-Mac Acres, in the southerly line of that 2.901 acre tract as described in a deed to Gene J. Daulton, of record in Official Record Volume 15328 G11;

Thence N 80°14'46" E, along the northerly line of said Tract Number One (1) and said 2.949 acre tract, along the southerly line of said Tract Number Two (2) and said 2.901 acre tract, a distance of 116.54 feet to a 5/8" rebar found at the northeasterly corner of said Tract Number One (1) and said 2.949 acre tract, at the southeasterly corner of said Tract Number Two (2) and said 2.901 acre tract, at an angle point in the westerly line of said 16.96 acre tract as described in said deed to the City of Columbus, of record in Deed Book 1050, Page 298;

Thence S 45°51'46" W, along the westerly line of said 16.96 acre tract, the easterly line of said Tract Number One (1), the easterly line of said 2.949 acre tract, a distance of 68.29 feet to a 5/8" rebar in concrete found;

Thence S 59°21'29" E, continuing along the westerly line of said 16.96 acre tract, the easterly line of said Tract Number One (1), the easterly line of said 2.949 acre tract, a distance of 27.40 feet to the True Place of Beginning and **containing 0.112 acre** or an area of 4,882 square feet, more or less.

The foregoing description was prepared from an actual field survey of the Tract Number One (1) in 2000 by ms consultants, inc., under the direct supervision of John L. Price, Registered Professional Surveyor No. 7159. Iron pins set are 5/8" rebar, 30" long bearing a yellow plastic cap stamped "7159-ms consultants".

The basis of bearing for this description is based on a bearing of S 79°20'00" W along the southerly line of said Tract Number One (1), of the unrecorded plat of the Subdivision of the Robert K. McAllister 61.851 Acre Tract, known as Med-O-Mac Acres, being on file in the Franklin County Engineer's Office, Franklin County, Ohio, ms consultants, inc., John L. Price, R.P.S. No. 7159, 9/2/04.

Section 2. That the Director of Department of Public Utilities be and hereby is authorized to execute those documents, as approved by the Department of Law, Real Estate Division, necessary to grant Linda M. Mosure a quitclaim deed in and to the following described real property, in exchange for a deed for similar acreage to be granted to the City:

0.112 ACRE

Situated in the State of Ohio, County of Franklin, Township of Norwich, Virginia Military Survey No. 1406, being a 0.112 acre tract of land out of that 16.96 acre tract as described in a deed to the City of Columbus, of

record in Deed Book 1050, Page 298, all references to records are on file in the Recorder's Office, Franklin County, Ohio, said 0.112 acre tract of land being more particularly described as follows:

Beginning at a concrete monument found at an angle point in the westerly line of said 16.96 acre tract (west side of the Scioto River) with a listed Latitude of 40°02'41.9" and Longitude of 83°05'49.9" as delineated on page 11 of 21 on a plat of survey of said 16.96 acre tract entitled "Griggs Reservoir Boundary Survey" on file in the City of Columbus, Department of Public Utilities, Division of Water, said monument also being at the southeasterly corner of Tract Number One (1) of the unrecorded plat of the "Subdivision of the Robert K. McAllister 61.851 Acre Tract" (known as Med-O-Mac Acres), being on file in the Franklin County Engineer's Office, Franklin County, Ohio, and at the southeasterly corner of that 2.949 acre tract and the northeasterly corner of the 0.139 acre tract as described in a deed to Thomas E. Mosure, Jr. and Linda M. Mosure, of record in Instrument Number 200001310020725;

Thence N 59°21'29" W, along the westerly line of said 16.96 acre tract, the easterly line of said Tract Number One (1) and the easterly line of said 2.949 acre tract, a distance of 166.10 feet to an iron pin set, witness a 5/8" rebar in concrete found N 59°21'29" W, at a distance of 27.40 feet;

Thence N 72°48'00" E, into said 16.96 acre tract, a distance of 51.50 feet to an iron pin set;

Thence S 79°43'20" E, continuing through said 16.96 acre tract, a distance of 33.30 feet to an iron pin set;

Thence S 40°59'00" E, continuing through said 16.96 acre tract, a distance of 45.34 feet to an iron pin set;

Thence S 27°35'34" E, continuing through said 16.96 acre tract, a distance of 67.38 feet to the *True Place Of Beginning* and **containing 0.112 acre** or an area of 4,882 square feet, more or less.

The foregoing description was prepared from an actual field survey of the Tract Number One (1) in 2000 by ms consultants, inc., under the direct supervision of John L. Price, Registered Professional Surveyor No. 7159. Iron pins set are 5/8" rebar, 30" long bearing a yellow plastic cap stamped "7159-ms consultants".

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Prior Instrument Reference: D.B. Vol. 1050, Pg. 298,
Recorder's Office, Franklin County, Ohio.

Franklin County Tax Parcel No. 560-122612

Section 3. That this Council has determined that it is in the best interest of the City of Columbus to waive and does hereby waive the requirements of Columbus City Codes (1959) Revised, Chapter 328 (*Land Review Commission*) and Section 329.29 (*competitive bidding*) to the extent that they may apply to this transaction with regards to this ordinance only.

Section 4. 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.