



## Legislation Details (With Text)

**File #:** 2186-2013      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 9/9/2013      **In control:** Public Service & Transportation Committee

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

**Title:** To dedicate a 0.3323 and 0.0152 acre tract of land as public right-of-way; to name said public right-of-way as Smith Road and Lockbourne Road; and to declare an emergency.

**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

### 1. BACKGROUND

The City of Columbus, Department of Public Service is currently engaged in a project identified as Arterial Street Rehabilitation- Lockbourne Road-Frebis Road-SR104 Project (2746 DR. E). The goal of this project is to construct storm sewer improvements, sidewalk on both sides of Lockbourne Road, and ADA curb ramps from Frebis Avenue to SR 104.

During design of the Arterial Street Rehabilitation - Lockbourne Road-Frebis Road-SR104 project, it was determined a portion of real property owned by the City of Columbus known as 1806-1816, 1864 and 1836 Lockbourne Road and 1102 Smith Road, Franklin County Parcel Numbers 010-112203, 010-089601, 010-089608, and 010-089600 would need to be dedicated for roadway purposes to accommodate the improvements contemplated by this project. Current plans for the improvements indicate Parcel 52-WD-1 and 52-WD-2, totaling 0.3475 acre, will need to be dedicated as right-of-way for this purpose. After review of the preliminary plan sheets, the Department of Public Service has determined the dedication of this property to right-of-way will not adversely affect the City and should be allowed to proceed.

The following legislation provides for the City to dedicate the property as road right-of-way and name the road right-of-way as Smith Road and Lockbourne Road.

### 2. FISCAL IMPACT

N/A

### 3. EMERGENCY DESIGNATION

Emergency action is requested so that construction of the proposed improvements for Arterial Street Rehabilitation - Lockbourne Road-Frebis Road-SR104 can proceed without delay.

To dedicate a 0.3323 and 0.0152 acre tract of land as public right-of-way; to name said public right-of-way as Smith Road and Lockbourne Road; and to declare an emergency.

**WHEREAS**, Ohio Revised Code Chapter 723.03 requires that property to be used as a public street or alley must be accepted and dedicated as public right-of-way by an ordinance specially passed for such purpose; and

**WHEREAS**, current plans indicate one (2) parcels of City owned land, totaling 0.3475 acre will need to be dedicated to right-of-way for this purpose; and

**WHEREAS**, the City desires to dedicate a 0.3323 and 0.0152 acre tract, as public right-of-way; and

**WHEREAS**, an emergency exists in the usual daily operation of the City in that it is immediately necessary to dedicate a 0.3475 acre tract, as public right-of-way and to name the 0.3475 acre tract as Smith Road and Lockbourne Road and proceed without delay thereby preserving 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 dedicates the following described property as road right-of-way; to-wit:

**PARCEL 52-WD-1**

**0.3323 ACRE**

**Lockbourne Road-Frebis Road-SR104**

**2746 DR. E**

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 26, ½ Section 39, Township 5, Range 22, Refugee Lands, being part of that land as described in deeds to the City Of Columbus, of record in Instrument Number 201107060083398, Instrument Number 201108310109243, Instrument Number 201105250066643 and Instrument Number 201104200051884, Recorder's Office, Franklin County, Ohio, and being on the RIGHT side of Lockbourne Road (and north of Smith Road) as delineated upon plans prepared for the City of Columbus and designated as 2746 DR. E, and being more particularly described as follows:

All references herein to station and offset are to the centerline of construction of Lockbourne Road.

Beginning FOR REFERENCE at Franklin County Geodetic Survey (FCGS) Monument Number 1462 at the intersection of the centerline of Lockbourne Road with the centerline of Marion Road (from the west) and located at station 41+88.82; thence North 03°54'25" East, along the centerline of Lockbourne Road, a distance of 1801.57 feet to a Mag Nail set at the intersection of the centerline of Smith Road, 50.00 feet in width and located at station 59+90.39, the TRUE PLACE OF BEGINNING;

Thence North 03°54'25" East, continuing along the centerline of Lockbourne Road, a distance of 310.22 feet to a Mag Nail set at the southwesterly corner of that 0.810-acre tract (Auditor's area) as described in a deed to William J.Ezzo, of record in Instrument No. 200111010251770 and located at station 63+00.61;

Thence South 86°00'30" East, along the southerly line of said 0.810-acre tract, a distance of 30.00 feet to an iron pin set in the existing easterly right-of-way line of Lockbourne Road located 30.00 feet RIGHT of station 63+00.61;

Thence South 03°54'25" West, along said right-of-way line, a distance of 280.13 feet to an iron pin set located 30.00 feet RIGHT of station 60+20.43;

Thence South 86°09'24" East, 5.00 feet north of and parallel to the northerly right-of-way line of Smith Road, a distance of 284.00 feet to an iron pin set in the westerly right-of-way line of Smith Court, 50.00 feet in width located 314.00 feet RIGHT of station 60+20.74;

Thence South 03°54'25" West, along said right-of-way line, a distance of 5.00 feet to an iron pin set at the intersection of the northerly right-of-way line of Smith Road located 314.00 feet RIGHT of station 60+15.74;

Thence North 86°09'24" West, along said northerly right-of-way line, a distance of 134.00 feet to an iron pin set in the easterly line of that parcel described in Instrument Number 201107060083398 located 180.00 feet RIGHT of station 60+15.59;

Thence South 03°54'25" West, along said easterly line, a distance of 25.00 feet to a Mag Nail set in the centerline of Smith Road located 180.00 feet RIGHT of station 59+90.59;

Thence North 86°09'24" West, along said centerline, a distance of 180.00 feet to the TRUE PLACE OF BEGINNING.

Beginning, for reference, at a 1 inch solid iron pin found in a monument box marking the intersection of the centerline of Third Avenue with the centerline of Olentangy River Road (north) as shown on the right-of-way plans for FRA-315-0.39 on file at the Ohio Department of Transportation, District 6, Delaware, Ohio; thence North 86° 24' 25" West, with the centerline of Third Avenue and the northerly line of said Lot 7, a distance of 820.07 feet, to a magnetic nail set at a corner to the lands conveyed to The Chesapeake and Ohio Railway Company by deed of record in Deed Book 924, Page 338, now known as CSX Transportation Inc., successor by merger of record in Official Record 13276A14 and Official Record 13283G13; thence South 11° 25' 11" East, with the easterly line of said CSX Transportation Inc. lands, a distance of 31.06 feet, to a ¾ inch iron pipe found at the northwesterly corner of said 2.292 acre tract, being the *True Point of Beginning*; thence South 86° 24' 25" East, with a northerly line of said 2.292 acre tract and the southerly right-of-way line of Third Avenue, a distance of 142.20 feet, to a ¾ inch iron pipe found at a northeasterly corner of said 2.292 acre tract and the northwesterly corner of the 0.248 acre tract conveyed as Parcel No. 1-WD to the State of Ohio of record in Deed Book 2801, Page 545; thence with the perimeter common to said 2.292 and 0.248 acre tracts, the following courses:

South 03° 03' 05" West, a distance of 20.06 feet, to a ¾ inch iron pipe found;

South 86° 24' 38" East, a distance of 184.31 feet, to an iron pin set at a northeasterly corner of said 2.292 acre tract and the northwesterly corner of the 4.674 acre tract conveyed to Gowdy Partners III LLC of record in Instrument Number 200908200122240; thence South 00° 21' 14" East, with the line common to said 2.292 and 4.674 acre tracts, a distance of 1.18 feet, to an iron pin set; thence across said 2.292 acre tract, the following courses:

North 87° 30' 45" West, a distance of 120.11 feet, to an iron pin set;

North 86° 23' 13" West, a distance of 120.51 feet, to an iron pin set;

North 89° 03' 44" West, a distance of 78.99 feet, to an iron pin set in the westerly line thereof and the easterly line of said CSX Transportation Inc. lands; thence North 11° 25' 11" West, the line common to said 2.292 acre tract and said CSX Transportation Inc. lands, a distance of 28.12 feet, to the *True Point of Beginning*, containing 0.090 acre, more or less, from Auditor's Parcel Number 010-288226.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System as per NAD83 (1986 adjusted). Control for bearings was from coordinates of monuments 5-83 & 4-83, having a bearing of North 00° 22' 10"

Containing 0.3323 acre of land, of which the present road occupies 0.2997 acre leaving a net take of 0.0326 acre, 0.0000 acre in parcel no. 010-112203 (0.0895 acre gross take), 0.0000 acre in parcel no. 010-089601 (0.0441 acre gross take), 0.0172 acre in parcel no. 010-089608 (0.1833 acre gross take) and 0.0154 acre in parcel no. 010-089600.

Bearings herein are based on field observations of established monuments FCGS 1462 and FCGS 8818, from the Franklin County Engineers Office, resulting in a bearing of North 03°54'25" East, for the existing centerline of Lockbourne Road

north of Marion Road.

Iron pins set consist of a 5/8" rebar, 30" long capped with a plastic cap stamped "CITY OF COLUMBUS RIGHT-OF-WAY MARKER".

This description was prepared by M•E Companies Survey Group based on information obtained from field surveys performed in 2008 and 2009.

**PARCEL 52-WD-2**

**0.0152 ACRE**

**Lockbourne Road-Frebis Road-SR104**

**2746 DR. E**

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 26, ½ Section 39, Township 5, Range 22, Refugee Lands, being part of that land as described in a deed to the City Of Columbus, of record in Instrument Number 201104200051884, Recorder's Office, Franklin County, Ohio, and being on the RIGHT side of Lockbourne Road (and north of Smith Road) as delineated upon plans prepared for the City of Columbus and designated as 2746 DR. E, and being more particularly described as follows:

All references herein to station and offset are to the centerline of construction of Lockbourne Road.

Beginning FOR REFERENCE at Franklin County Geodetic Survey (FCGS) Monument Number 1462 at the intersection of the centerline of Lockbourne Road with the centerline of Marion Road (from the west) and located at station 41+88.82; thence North 03°54'25" East, along the centerline of Lockbourne Road, a distance of 1801.57 feet to a Mag Nail set at the intersection of the centerline of Smith Road, 50.00 feet in width and located at station 59+90.39 (100+00.00 Smith Road stationing); thence South 86°09'24" East, along the centerline of Smith Road, a distance of 364.00 feet to a point at station 103+64.00; thence North 03°54'25" East, a distance of 25.00 feet to an iron pin set at the intersection of the easterly right-of-way line of Smith Court located 25.00 feet LEFT of station 103+64.03, the TRUE PLACE OF BEGINNING:

Thence North 03°54'25" East, continuing along said easterly right-of-way line, a distance of 5.00 feet to an iron pin set located 30.00 feet LEFT of station 103+64.03;

Thence South 86°09'24" East, parallel to the right-of-way line of Smith Road, a distance of 132.68 feet to an iron pin set in the westerly line of that 1-acre tract as described in a deed to Cemerite Fleurival, of record in Instrument Number 200811210168969 located 30.00 feet LEFT of station 104+96.71;

Thence South 03°54'25" West, along said westerly line, a distance of 5.00 feet to an iron pin set in the northerly right-of-way line of Smith Road located 25.00 feet LEFT of station 104+96.71;

Thence North 86°09'24" West, along said right-of-way line, a distance of 132.68 feet to the TRUE PLACE OF BEGINNING.

Containing 0.0152 acre of land, of which the present road occupies 0.0000 acre leaving a net take of 0.0152 acre. Bearings herein are based on field observations of established monuments FCGS 1462 and FCGS 8818, from the Franklin County Engineers Office, resulting in a bearing of North 03°54'25" East, for the existing centerline of Lockbourne Road north of Marion Road.

Iron pins set consist of a 5/8" rebar, 30" long capped with a plastic cap stamped "CITY OF COLUMBUS RIGHT-OF-WAY MARKER".

This description was prepared by M•E Companies Survey Group based on information obtained from field surveys performed in 2008 and 2009.

**SECTION 2.** That the City of Columbus hereby names the above described road right-of-way as Smith Road and Lockbourne Road.

**SECTION 3.** 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.