



## Legislation Details (With Text)

**File #:** 0244-2016      **Version:** 1

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

**File created:** 1/21/2016      **In control:** Public Service & Transportation Committee

**On agenda:** 2/8/2016      **Final action:** 2/10/2016

**Title:** To authorize the Director of the Department of Public Service to execute those documents necessary to release easements, to clear title within the subdivision known as Preserve at Albany Woods, so the property can be redeveloped; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1, 2. Exhibit 2, 3. Exhibit 3

Date	Ver.	Action By	Action	Result
2/10/2016	1	CITY CLERK	Attest	
2/10/2016	1	MAYOR	Signed	
2/8/2016	1	COUNCIL PRESIDENT	Signed	
2/8/2016	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND:

In 2004, pursuant to Ordinance 1450-2004, the City of Columbus accepted easements within a subdivision known as Preserve at Albany Woods Section 1, as recorded within Plat Book 105 Pages 37-39. The Department of Public Service recently received a request from Easton Pointe LLC, asking that the City release five areas within the reserved easements within the subdivision to clear title, satisfy Franklin County Engineers Office, and redevelop the site. After receipt of this request Public Service Division of Infrastructure Management verified with all the public and private utility companies that there are no public utilities or need for these easements located within the requested area and that they have no objections to these easements being released. The following legislation authorizes the Director of the Department of Public Service to execute those documents necessary to release the easements described below and previously platted as needed to redevelop the real property.

### 2. FISCAL IMPACT

The City will receive a total of \$500.00, to be deposited in Fund 7748, for releasing the easements so the property can be redeveloped.

### 3. EMERGENCY JUSTIFICATION:

Emergency action is requested in order to not delay the release of the City's easement rights and allow the redevelopement, which will preserve the public peace, health, property, safety, and welfare.

To authorize the Director of the Department of Public Service to execute those documents necessary to release easements, to clear title within the subdivision known as Preserve at Albany Woods, so the property can be redeveloped; and to declare an emergency.

**WHEREAS**, in 2004, pursuant to Ordinance 1450-2004, the City of Columbus accepted easements within a subdivision known as Preserve at Albany Woods Section 1, as recorded within Plat Book 105 Pages 37-39; and

**WHEREAS**, the Department of Public Service recently received a request from Easton Pointe LLC, asking that the City release five areas of the reserved easements within the subdivision to clear title, satisfy Franklin County Engineers Office, and allow the redevelopment of the site; and

**WHEREAS**, Department of Public Service, Division of Infrastructure Management verified with all the public and private utility companies that there are no public utilities or need for these easements located within the requested areas and that they have no objections to these easements being released; and

**WHEREAS**, an emergency exists in the usual daily operations of the City, because it is immediately necessary to authorize the City's Director of the Department of Public Service to execute those documents, as approved by the Columbus City Attorney, to release the five easement areas as described below and exhibits attached as previously platted and as needed to redevelop the real property; **NOW, THEREFORE;**

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

**Section 1.** To authorize the Director of the Department of Public Service to execute those documents to release easements reserved in Ordinance 1450-2004 and to execute deeds, as necessary and approved by the Real Estate Department, City Attorney's Office, to release five easement areas as described below and exhibits attached as previously dedicated within the subdivision known as Preserve at Albany Woods Section 1, to wit:

**Easement Areas to be released:**

**0.099 ACRES**  
LOCATED SOUTH OF TWINVIEW WAY  
EAST OF ASHLEY MEADOW DRIVE  
CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 2, Township 1 North, Range 17, United States Military Lands, being a portion of Lots 66-83, inclusive, as shown on the plat of Preserve at Albany Woods, Section 1, as recorded in Plat Book 105, Pg. 37, and currently owned by The Preserve at Albany Woods, LLC., as recorded in Instrument Number 200509270201493. All Deed references refer to the records of the Recorder's Office, Franklin County, Ohio.

**BEGINNING FOR REFERENCE**, at the centerline intersection of Ashley Meadow Drive (52-foot Private Right of Way) and Ash Hill Way (52-foot Private Right of Way);

Thence N 03°52'41" E, with the centerline of said Ashley Meadow Drive a distance of 209.00 feet to a point;

Thence S 86°07'19" E, through and perpendicular to the centerline of said drive a distance of 32.77 feet to a point on a curve in the Easterly line of said road, also being in the Westerly line of said lot 83, and the **True Place of Beginning** for the tract of land herein being described;

Thence continuing with said Easterly line of said road with a non-tangent curve to the right having a delta angle of 41° 24'35", a radius of 20.00 feet, an arc length of 14.45 feet, a chord which bears North 73°10'24" East, and a chord distance of 14.14 feet, to a point of tangency in the southerly of line of Twinview Way (52-foot Private Right of Way);

Thence S 86°07'19" E, with said Southerly line, a distance of 770.28 feet, to a point of curvature;

Thence continuing with the Southerly line of said Twinview Way, along a curve to the left having a delta angle of 13° 23'58", a radius of 226.00 feet, an arc length of 52.85 feet, a chord which bears N 87°10'42" E, and a chord distance of

52.73 feet, to a point of tangency;

Thence N 80°28'43" E, continuing with said southerly line a distance of 19.22 feet to a point of curvature;

Thence continuing with the Southerly line of said Twinview Way with a curve to the right having a delta angle of 41° 24'35", a radius of 20.00 feet, an arc length of 14.45 feet, a chord which bears S 78°49'00" E, and a chord distance of 14.14 feet, to a point;

Thence S 80°28'43" W, through said lot 66, a distance of 32.45 feet to a point of curvature;

Thence continuing through said lot 66 and into said lot 67 along a curve to the right having a delta angle of 13°23'58", a radius of 231.00 feet, an arc length of 54.02 feet, a chord which bears S 87°10'42" W, and a chord distance of 53.90 feet to a point of tangency;

Thence N 86°07'19" W, through said lots 67-83, inclusive, a distance of 783.51 feet, to the **TRUE PLACE OF BEGINNING**, containing 0.099 acres, more or less.

Basis of Bearing for this description is South 86°07'19" East, on the Northerly line of Preserve at Albany Woods, Section 1, based on the plat thereof, of record in Plat Book 105, Page 38, Recorder's Office, Franklin County, Ohio.

**1.733 ACRES**  
**LOCATED NORTH OF ASHLEY HILL WAY**  
**EAST OF ASHLEY MEADOW DRIVE**  
**CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 2, Township 1 North, Range 17, United States Military Lands, being a portion of Reserve "E" as shown on the plat of Preserve at Albany Woods, Section 1, as recorded in Plat Book 105, Pg. 37, and currently owned by The Preserve at Albany Woods, LLC., as recorded in Instrument Number 200509270201493. All Deed references refer to the records of the Recorder's Office, Franklin County, Ohio.

**BEGINNING FOR REFERENCE**, at the centerline intersection of Ashley Meadow Drive (52-foot Private Right of Way) and Ash Hill Way (52-foot Private Right of Way);

Thence N 03°52'41" E, with the centerline of said Ashley Meadow Drive a distance of 194.00 feet to a point;

Thence S 86°07'19" E, through and perpendicular to the centerline of said drive a distance of 26.00 feet to the Easterly line of said road, also being in the Westerly line of lot 83, and the **TRUE PLACE OF BEGINNING** for the tract of land herein being described;

Thence North 03°52'41" East, with Easterly line of said Ashley Meadow Drive, a distance of 92.00 feet to a point of curvature on the Northerly line of Twinview Way;

Thence with said Northerly line and a curve to the left having a delta angle of 90°00'00", a radius of 20.00 feet, an arc length of 31.42 feet, a chord which bears South 41°07'19" East, and a chord distance of 28.28 feet to a point of tangency;

Thence South 86°07'19" East, with said Northerly line, a distance of 770.28 feet to a point of curvature;

Thence with said Northerly Line and a curve to the left having a delta angle of 13°23'58", a radius of 174.00 feet, an arc length of 40.69 feet, a chord which bears North 87°10'42" East, and a chord distance of 40.60 feet to a point of tangency;

Thence North 80°28'43" East, with said Northerly Line, a distance of 19.22 feet to a point of curvature;

Thence with said Northerly Line and a curve to the left having a delta angle of  $82^{\circ}21'36''$ , a radius of 20.00 feet, an arc length of 28.75 feet, a chord which bears North  $39^{\circ}17'55''$  East, and a chord distance of 26.34 feet to a point of compound curvature on the Westerly line of Round Rock Drive (52-foot Private Right of Way);

Thence with said Westerly Line and a curve to the right having a delta angle of  $05^{\circ}45'34''$ , a radius of 326.00 feet, an arc length of 32.77 feet, a chord which bears North  $00^{\circ}59'54''$  East, and a chord distance of 32.76 feet to a point of tangency;

Thence North  $03^{\circ}52'41''$  East, with said Westerly Line, a distance of 21.63 feet to a point of curvature on the Southerly line of Dasani Lane (16-foot Private Right of Way);

Thence with said Southerly line and a curve to the left having a delta angle of  $90^{\circ}00'00''$ , a radius of 20.00 feet, an arc length of 31.42 feet, a chord which bears North  $41^{\circ}07'19''$  West, and a chord distance of 28.28 feet to a point of tangency;

Thence North  $86^{\circ}07'19''$  West, with said Southerly line, a distance of 822.92 feet to a point of curvature;

Thence with said Southerly line and a curve to the left having a delta angle of  $90^{\circ}00'00''$ , a radius of 20.00 feet, an arc length of 31.42 feet, a chord which bears South  $48^{\circ}52'41''$  West, and a chord distance of 28.28 feet to a point of tangency on the Easterly line of said Ashley Meadow Drive;

Thence North  $03^{\circ}52'41''$  East, with said Easterly line, a distance of 56.00 feet to a point of curvature on the Northerly line of Dasani Way;

Thence with said Northerly line and a curve to the left having a delta angle of  $90^{\circ}00'00''$ , a radius of 20.00 feet, an arc length of 31.42 feet, a chord which bears South  $41^{\circ}07'19''$  East, and a chord distance of 28.28 feet to a point of tangency;

Thence South  $86^{\circ}07'19''$  East, with said Northerly line, a distance of 822.92 feet to a point of curvature;

Thence with said Northerly line and a curve to the left having a delta angle of  $90^{\circ}00'00''$ , a radius of 20.00 feet, an arc length of 31.42 feet, a chord which bears North  $48^{\circ}52'41''$  East, and a chord distance of 28.28 feet to a point;

Thence South  $86^{\circ}07'19''$  East, a distance of 52.00 feet to a point in the Easterly line of said Round Rock Drive;

Thence South  $03^{\circ}52'41''$  West, with said Easterly Line, a distance of 77.63 feet to a point of curvature;

Thence with said Easterly line and a curve to the left having a delta angle of  $29^{\circ}04'28''$ , a radius of 274.00 feet, an arc length of 139.04 feet, a chord which bears South  $10^{\circ}39'33''$  East, and a chord distance of 137.55 feet to a point of tangency;

Thence South  $25^{\circ}11'47''$  East, with said Easterly line, a distance of 70.32 feet to a point;

Thence South  $64^{\circ}48'13''$  West, through and perpendicular to the centerline of said Round Rock Drive, a distance of 53.01 feet to a point of curvature of the Westerly line of said Round Rock Drive;

Thence with said Westerly line and a curve to the left having a delta angle of  $17^{\circ}47'36''$ , a radius of 20.68 feet, an arc length of 6.42 feet, a chord which bears North  $16^{\circ}05'27''$  West, and a chord distance of 6.40 feet to a point of tangency;

Thence North  $25^{\circ}11'47''$  West, with said Westerly line, a distance of 64.00 feet to a point of curvature;

Thence with said Westerly line and a curve to the right having a delta angle of  $08^{\circ}02'06''$ , a radius of 326.00 feet, an arc length of 45.72 feet, a chord which bears North  $21^{\circ}10'44''$  West, and a chord distance of 45.68 feet to a point of reverse curvature on the Southerly line of said Twinview Way;

Thence with said Southerly line and a curve to the left having a delta angle of  $82^{\circ}21'36''$ , a radius of 20.00 feet, an arc length of 28.75 feet, a chord which bears North  $58^{\circ}20'29''$  West, and a chord distance of 26.34 feet to a point of tangency;

Thence South  $80^{\circ}28'43''$  West, with said Southerly line, a distance of 19.22 feet to a point of curvature;

Thence with said Southerly line and a curve to the right having a delta angle of  $13^{\circ}23'58''$ , a radius of 226.00 feet, an arc length of 52.85 feet, a chord which bears South  $87^{\circ}10'42''$  West, and a chord distance of 52.73 feet to a point of tangency;

Thence North  $86^{\circ}07'19''$  West, with said Southerly line, a distance of 770.28 feet to a point of curvature;

Thence with said Southerly line and a curve to the left having a delta angle of  $90^{\circ}00'00''$ , a radius of 20.00 feet, an arc length of 31.42 feet, a chord which bears South  $48^{\circ}52'41''$  West, and a chord distance of 28.28 feet to a point on the Easterly line of said Ashley Meadow Drive being the **TRUE PLACE OF BEGINNING**, containing 1.733 acres, more or less.

Basis of Bearing for this description is South  $86^{\circ}07'19''$  East, on the Northerly line of Preserve at Albany Woods, Section 1, based on the plat thereof, of record in Plat Book 105, Page 38, Recorder's Office, Franklin County, Ohio.

**0.201 ACRES**  
LOCATED NORTH OF ASHLEY HILL WAY  
EAST OF ASHLEY MEADOW DRIVE  
CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 2, Township 1 North, Range 17, United States Military Lands, being a portion of Lots 66-83, inclusive, as shown on the plat of Preserve at Albany Woods, Section 1, as recorded in Plat Book 105, Pg. 37, and currently owned by The Preserve at Albany Woods, LLC., as recorded in Instrument Number 200509270201493. All Deed references refer to the records of the Recorder's Office, Franklin County, Ohio.

**BEGINNING FOR REFERENCE**, at the centerline intersection of Ashley Meadow Drive (52-foot Private Right of Way) and Ash Hill Way (52-foot Private Right of Way);

Thence N  $03^{\circ}52'41''$  E, with the centerline of said Ashley Meadow Drive a distance of 109.00 feet to a point;

Thence S  $86^{\circ}07'19''$  E, through and perpendicular to the centerline of said drive a distance of 26.00 feet to Southwesterly corner of said Lot 83, and the **TRUE PLACE OF BEGINNING** for the tract of land herein being described;

Thence North  $03^{\circ}52'41''$  East, with Easterly line of said Ashley Meadow Drive, a distance of 85.00 feet to a point of curvature;

Thence continuing with the Easterly line of said Ashley Meadow Drive, along a curve to the right having a delta angle of  $41^{\circ}24'35''$ , a radius of 20.00 feet, an arc length of 14.45 feet, a chord which bears North  $24^{\circ}34'58''$  East, and a chord distance of 14.14 feet to a point;

Thence South  $03^{\circ}52'41''$  West, through said lot 83, a distance of 88.23 feet;

Thence South  $86^{\circ}07'19''$  East, through said lots 66-83, inclusive, a distance of 832.76 feet to a point in the Westerly line of a stream preservation zone as delineated in said Preserve at Albany Woods, Section 1;

Thence South  $34^{\circ}11'34''$  West, with said Easterly line, a distance of 11.58 feet to Northerly line of Reserve "C" of Preserve at Albany Woods, Section 1;

Thence North  $86^{\circ}07'19''$  West, with the Northerly line of said Reserve "C", a distance of 831.91 feet to the **TRUE**

**PLACE OF BEGINNING**, containing 0.201 acres, more or less.

Basis of Bearing for this description is South 86°07'19" East, on the Northerly line of Preserve at Albany Woods, Section 1, based on the plat thereof, of record in Plat Book 105, Page 38, Recorder's Office, Franklin County, Ohio.

**0.204 ACRES**  
**LOCATED NORTH OF TWINVIEW WAY**  
**EAST OF ASHLEY MEADOW DRIVE**  
**CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 2, Township 1 North, Range 17, United States Military Lands, being a portion of Lots 45-65, inclusive, as shown on the plat of Preserve at Albany Woods, Section 1, as recorded in Plat Book 105, Pg. 37, and currently owned by The Preserve at Albany Woods, LLC., as recorded in Instrument Number 200509270201493. All Deed references refer to the records of the Recorder's Office, Franklin County, Ohio.

**BEGINNING FOR REFERENCE**, at the centerline intersection of Ashley Meadow Drive (52-foot Private Right of Way) and Twinview Way (52-foot Private Right of Way);

Thence N 03°52'41" E, with the centerline of said Ashley Meadow Drive a distance of 46.00 feet to a point;

Thence S 86°07'19" E, through and perpendicular to the centerline of said drive a distance of 26.00 feet to Easterly line of said Ashley Meadow Drive, and the **TRUE PLACE OF BEGINNING** for the tract of land herein being described;

Thence N 03°52'41" E, with Easterly line of said Ashley Meadow Drive, a distance of 65.00 feet to a point of curvature;

Thence continuing with the Easterly line of said Ashley Meadow Drive, with a curve to the right having a delta angle of 90°00'00", a radius of 20.00 feet, an arc length of 31.42 feet, a chord which bears North 48°52'41" East, and a chord distance of 28.28 feet to the southerly line of Dasani Lane (16-foot Private Right of Way);

Thence S 86°07'19" E, with said southerly line a distance of 822.92 feet to a point of curvature;

Thence continuing with said southerly line with a curve to the right having a delta angle of 60°00'00", a radius of 20.00 feet, an arc length of 20.94 feet, a chord which bears S 56°07'19" E, and a chord distance of 20.00 feet;

Thence N 86°07'19" W, through said Lots 45-65, inclusive, a distance of 855.24 feet to a point;

Thence S 03°52'41" W, through said Lot 45 parallel to the easterly line of said Ashley Meadow Drive, a distance of 88.23 feet to a point on a curve in the northerly line of said Twinview Way;

Thence with said northerly line and a curve to the right having a delta angle of 41°24'35", a radius of 20.00 feet, an arc length of 14.45 feet, a chord which bears N 16°49'36" W, a chord distance of 14.14 feet to the **TRUE PLACE OF BEGINNING**, containing 0.204 acres, more or less.

Basis of Bearing for this description is South 86°07'19" East, on the Northerly line of Preserve at Albany Woods, Section 1, based on the plat thereof, of record in Plat Book 105, Page 38, Recorder's Office, Franklin County, Ohio.

**0.056 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, and in Quarter Township 2, Township 1 North, Range 17, United States Military Lands, and being all of a 10-foot easement as delineated upon the Preserve at Albany Woods, Section 1 as described in Plat Book 105, Pages 37-39 containing 0.056 acres more or less, all records are to the

Recorder's Office, Franklin County, Ohio. Said 0.056 acres being more particularly described as follows:

Beginning for reference at the Northeasterly corner of said Preserve at Albany Woods Section 1;

Thence North 86°07'19" West, with the Northerly line of said Preserve at Albany Woods Section 1, a distance of 178.28 feet to the easterly line of Round Rock Drive (52' Private Road);

Thence North 03°52'41" East, continuing with said Northerly line also being the Easterly line of said Road a distance of 22.63 feet;

Thence North 86°07'19" West, continuing with said Northerly line also being the Northerly line of said Road a distance of 40.08 feet to the **True Place of Beginning** of the tract herein being described;

Thence North 86°07'19" West, continuing with said Northerly lines a distance of 10.00 feet;

Thence with said 10-foot easement the following 5 courses:

1. North 03°52'41" East, 212.10 feet;
2. North 02°13'21" West, a distance of 31.16 feet;
3. North 87°46'39" East, a distance of 10.00 feet;
4. South 02°13'21" East, a distance of 31.70 feet;
5. South 03°52'41" West, a distance of 212.64 feet to the **True Place of Beginning**, containing 0.056 acres more or less.

**SECTION 2.** 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.