



## Legislation Details (With Text)

**File #:** 0199X-2007    **Version:** 1

**Type:** Resolution    **Status:** Passed

**File created:** 11/19/2007    **In control:** Judiciary And Court Administration Committee

**On agenda:** 12/10/2007    **Final action:** 12/13/2007

**Title:** To declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the Chestnut & Sixth Combined Sewer Rehabilitation & Naghten Storm Project.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/13/2007	1	ACTING CITY CLERK	Attest	
12/12/2007	1	MAYOR	Signed	
12/10/2007	2	Columbus City Council	Adopted	Pass
12/10/2007	1	COUNCIL PRESIDENT	Signed	
12/3/2007	1	Columbus City Council	Read for the First Time	
11/21/2007	1	Atty Reviewer	Reviewed and Approved	
11/21/2007	1	Atty Drafter	Sent for Approval	
11/21/2007	1	CITY ATTORNEY	Reviewed and Approved	
11/21/2007	1	Atty Drafter	Sent to Clerk's Office for Council	
11/19/2007	1	Atty Drafter	Sent for Approval	

**Background:**

The following is a resolution to declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the **Chestnut & Sixth Combined Sewer Rehabilitation & Naghten Storm Project**.

**Fiscal Impact:**

N/A

**Emergency Justification:** N/A

To declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the **Chestnut & Sixth Combined Sewer Rehabilitation & Naghten Storm Project**.

WHEREAS, the City of Columbus is engaged in the **Chestnut & Sixth Combined Sewer Rehabilitation & Naghten Storm**

Project; and

WHEREAS, in the usual daily operation of the Department of Public Utilities, Sewerage and Drainage, in that it is necessary to declare the necessity and intent to appropriate fee simple title and lesser interests in and to the hereinbefore described real estate necessary for the aforementioned project; 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 fee simple title and lesser interests in and to the following described real estate necessary for the **Chestnut & Sixth Combined Sewer Rehabilitation & Naghten Storm Project, Project #650618**, 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:

**1P**

Situated in the City of Columbus, County of Franklin, State of Ohio, and being an easement over part of a tract of land conveyed to Atelier District, LLC, by Instrument 199812100318920, of the Deed Records of Franklin County, Ohio; said easement being bounded by a line more particularly described as follows:

Beginning for reference at an iron pin found at the intersection of the Easterly right-of-way line of Sidney Alley and the Southerly right-of-way line of Naghten Street; thence North 86° 41' 35" West a distance of 543.96 feet with said Southerly right-of-way line of Naghten Street to a point at the intersection of the Easterly right-of-way line of Fifth Street and Southerly right-of-way line of Naghten Street; then North 02° 48' 46" West a distance of 49.78 feet to the Southwest Corner of Lot Number 1 of Robert Neil's Addition of Inlots and Outlots to the City of Columbus as recorded in Plat Book 1, Page 98 of said Franklin County Records, said corner also being the intersection of the Easterly right-of-way line of Fifth Street and Northerly right-of-way line of Naghten Street, and the TRUE POINT OF BEGINNING of said easement;

Thence North 03° 44' 12" East a distance of 16.72 feet with said Easterly right-of-way line of Fifth Street and Westerly line of said Lot Number 1 to a point;

Thence South 73° 51' 49" East a distance of 75.30 feet to a point on said Northerly right-of-way line of Naghten Street and Southerly line of said Lot Number 1;

Thence North 86° 41' 35" West a distance of 73.55 feet with said Northerly right-of-way line of Naghten Street and said Southerly line of Lot Number 1 to the True Point of Beginning;

Containing 0.014 acres more or less.

Bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986).

**2P**

Situated in One Half Section 11, Township 5, Range 22, Refugee Lands, City of Columbus, County of Franklin, State of Ohio, and being an easement over part of a tract of land conveyed to Ballet Metropolitan, Inc., by Instrument 200512130262235, of the Deed Records of Franklin County, Ohio; said easement being three-dimensional and bounded in the horizontal plane by a line more particularly described as follows:

Beginning for reference at an iron pin found at the intersection of the Easterly right-of-way line of Sixth Street and the Northerly right-of-way line of Mt. Vernon Avenue, said iron pin also being the Southwest Corner of Lot Number 74 in Neilston Park Place Addition to said City as recorded in Plat Book 4, Page 129 of said Franklin County Deed Records; thence South 86° 44' 07" East a distance of 107.16 feet with said Northerly right-of-way line of Mt. Vernon Avenue and Southerly line of Lot Numbers 74, 75 and 76 of said Neilston Park Place Addition to the TRUE POINT OF BEGINNING of said easement;

Thence North 07° 21' 24" East a distance of 160.40 feet to a point on the Northerly line of said Lot Number 76;

Thence South 86° 44' 07" East a distance of 10.03 feet with the Northerly line of Lot Numbers 76 and 77 of said Neilston Park Place Addition to a point on said Northerly line of Lot Number 77;

Thence South 07° 21' 24" West a distance of 160.40 feet to a point on said Southerly line of Lot Number 76;

Thence North 86° 44' 07" West a distance of 10.03 feet with said Southerly line of Lot Number 76 to the True Point of Beginning;

Containing 0.037 acres more or less;

The top elevation of said easement to be 765.00 and the bottom elevation to be 756.00.

Bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986) and elevations are based on NAVD88 (source benchmark is Franklin County Monument 608, elevation 790.896).

Karim S. Mohamed, Date

Registered Surveyor No. 7947

### 3WD

Situated in Section 9, Township 5, Range 22, Refugee Lands, City of Columbus, County of Franklin, State of Ohio, and being a fee simple area over part of a tract of land conveyed to Neilston Company, by O.R. 14778E10, said tract also being Lot Numbers 72 through 79 of Latham's Addition as recorded in Plat Book 1, Page 123, of the Deed Records of Franklin County, Ohio; said fee simple area being bounded by a line more particularly described as follows:

Beginning for reference at 3/4" hollow iron pin found at the intersection of the Easterly right-of-way line of Sidney Alley and the Southerly right-of-way line of Naghten Street; thence North 86° 41' 35" West a distance of 155.93 feet with said Southerly right-of-way line of Naghten Street to a drill hole set at the intersection of the Southerly right-of-way line of Naghten Street and Easterly right-of-way line of Neilston Street, being the Northwest Corner of said Lot Number 79, and the TRUE POINT OF BEGINNING of said fee simple area;

Thence South 86° 41' 35" East a distance of 3.73 feet with said Southerly right-of-way line of Naghten Street, and the Northerly line of said Lot Number 79 to a drill hole set;

Thence South 02° 51' 42" West a distance of 19.31 feet to a drill hole set on said Easterly right-of-way line of Neilston Street;

Thence North 08° 03' 08" West a distance of 19.70 feet with said Easterly right-of-way line of Neilston Street to the True Point of Beginning;

Containing 0.001 acres more or less.

Bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986). Control for bearings was from coordinates of Monuments COC13-83 and COC18-83, having a bearing of North 68° 31' 54" East, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

Karim S. Mohamed

Date

### 5WD

Situated in Section 9, Township 5, Range 22, Refugee Lands, the City of Columbus, County of Franklin, State of Ohio, and being a fee simple area over part of a tract of land conveyed to DCR Investments, LLC by Instrument 199811200298888, said tract also being part of Lot Numbers 13, 14, 15, and 16 of Robert Neil's Addition of Inlots and Outlots to the City of Columbus as recorded in Plat Book 1, Page 98, of the Deed Records of Franklin County, Ohio; said fee simple area being bounded by a line more particularly described as follows:

Beginning for reference at a 3/4" hollow iron pin found at the intersection of the Easterly right-of-way line of Sidney Alley and Southerly right-of-way line of Naghten Street; thence South 86° 41' 35" East a distance of 194.12 feet with said Southerly right-of-way line of Naghten Street to a point at the intersection of the Easterly right-of-way line of Sixth Street and said Southerly right-of-way line of Naghten Street; thence North 42° 04' 24" East a distance of 70.22 feet to a drill hole set at the intersection of the Northerly right-of-way line of Naghten Street and Westerly right-of-way line of Sixth Street, being the Southeast Corner of said Lot Number 16, and the TRUE POINT OF BEGINNING of said fee simple area;

Thence North 86° 41' 35" West a distance of 4.00 feet with said Northerly right-of-way line of Naghten Street and the Southerly line of said Lot Number 16 to an iron pin set;

Thence North 03° 44' 12" East a distance of 9.77 feet to an iron pin set;

Thence South 86° 41' 35" East a distance of 4.00 feet to a drill hole set on the Westerly right-of-way line of Sixth Street;

Thence South 03° 44' 12" West a distance of 9.77 feet with said Westerly right-of-way line of Sixth Street and Easterly line of said Lot Number 16 to the True Point of Beginning;

Containing 0.001 acres more or less;

Iron pins set are 30" long, 3/4" outside diameter iron pipes with orange plastic caps inscribed "P.S. 7947."

Bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986). Control for bearings was from coordinates of Monuments COC13-83 and COC18-83, having a bearing of North 68° 31' 54" East, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

### 9WD

Situated in Section 9, Township 5, Range 22, Refugee Lands, City of Columbus, County of Franklin, State of Ohio, and being a fee simple area over part of a tract of land conveyed to Dominican Fathers Priory of St. Thomas Aquinas, by O.R. 07868F11, said tract also being Lot Number 6 of Addison Watson's Subdivision of Lot Numbers 25 and 26 of Robert Neil's Addition, as the same is numbered and recorded in Plat Book 2, Page 364 of the Deed Records of Franklin County, Ohio; said fee simple area being bounded by a line more particularly described as follows:

Beginning for reference at a 1/2" pinch top iron pin found at the intersection of the Easterly right-of-way line of Prospect Alley and Southerly right-of-way line of Naghten Street; thence North 03° 18' 07" East a distance of 54.75 feet to a drill hole set at the Southwest Corner of said Lot Number 6, and the TRUE POINT OF BEGINNING of said fee simple area;

Thence North 03° 44' 12" East a distance of 2.00 feet with the Westerly line of said Lot Number 6 to a cotton gin spike set;

Thence South 86° 41' 35" East a distance of 31.00 feet to a cotton gin spike set on the Easterly line of said Lot Number 6;

Thence South 03° 44' 12" West a distance of 2.00 feet with said Easterly line of Lot Number 6 to a drill hole set on the Northerly right-of-way line of Naghten Street;

Thence North 86° 41' 35" West a distance of 31.00 feet with said Northerly right-of-way line of Naghten Street to the True Point of Beginning;

Containing 0.001 acres more or less.

Bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986). Control for bearings are from coordinates of Monuments COC13-83 and COC18-83, having a bearing of North 68° 31' 54" East, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

#### 10WD

Situated in Section 9, Township 5, Range 22, Refugee Lands, City of Columbus, County of Franklin, State of Ohio, and being a fee simple area over part of a tract of land conveyed to The Dominican Fathers Saint Patrick Church, by Deed Book 3750, Page 293, said tract also being Lot Numbers 2, 3, 4 and 5 of Addison Watson's Subdivision as recorded in Plat Book 2, Page 364, of the Deed Records of Franklin County, Ohio; said fee simple area being bounded by a line more particularly described as follows:

Beginning for reference at a 1/2" pinch top iron pin found at the intersection of the Easterly right-of-way line of Prospect Alley and Southerly right-of-way line of Naghten Street; thence North 03° 18' 07" East a distance of 54.75 feet to a drill hole set at the Southwest Corner of Lot Number 6 of said Addison Watson's Subdivision; thence South 86° 41' 35" East a distance of 31.00 feet with said Northerly right-of-way line of Naghten Street and the Southerly line of said Lot Number 6 to a drill hole set, being the Southwest Corner of said Lot Number 5, and the TRUE POINT OF BEGINNING of said fee simple area;

Thence North 03° 44' 12" East a distance of 2.00 feet with the Westerly line of said Lot Number 5 to a cotton gin spike set;

Thence South 86° 41' 35" East a distance of 124.00 feet to a cotton gin spike set on the Easterly line of said Lot Number 2;

Thence South 03° 44' 12" West a distance of 2.00 feet with said Easterly line of Lot Number 2 to a drill hole set on said Northerly right-of-way line of Naghten Street;

Thence North 86° 41' 35" West a distance of 124.00 feet with said Northerly right-of-way line of Naghten Street to the True Point of Beginning;

Containing 0.006 acres more or less.

Bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986). Control for bearings are from coordinates of Monuments COC13-83 and COC18-83, having a bearing of North 68° 31' 54" East, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

#### 12WD

Situated in Section 9, Township 5, Range 22, Refugee Lands, City of Columbus, County of Franklin, State of Ohio, and being a fee simple area over part of a tract of land conveyed to Michael R. Llana by Instrument 200607270147486, said tract also being Lot Number 1 of Addison Watson's Subdivision as recorded in Plat Book 2, Page 364 of the Deed Records of Franklin County, Ohio; said fee simple area being bounded by a line more particularly described as follows:

Beginning for reference at a 1/2" pinch top iron pin found at the intersection of the Easterly right-of-way line of Prospect Alley and Southerly right-of-way line of Naghten Street; thence South 86° 41' 35" East a distance of 187.09 feet with said Southerly right-of-way line of Naghten Street to a point at the intersection of the Westerly right-of-way line of Cleveland Avenue and said Southerly right-of-way line of Naghten Street; thence North 03° 44' 12" East a distance of 54.75 feet to a drill hole set at the intersection of the Northerly right-of-way line of Naghten Street and said Westerly right-of-way of Cleveland Avenue, being the Southeast Corner of said Lot Number 1, and the TRUE POINT OF BEGINNING of said fee simple area;

Thence North 86° 41' 35" West a distance of 32.51 feet with said Northerly right-of-way line of Naghten Street to a

drill hole set at the Southwest Corner of said Lot Number 1;  
Thence North 03° 44' 12" East a distance of 1.08 feet with the Westerly line of said Lot Number 1 to a drill hole set;  
Thence South 86° 41' 35" East a distance of 32.51 feet to a drill hole set on the Easterly line of said Lot Number 1 and said Westerly right-of-way line of Cleveland Avenue;  
Thence South 03° 44' 12" West a distance of 1.08 feet with said Easterly line of Lot Number 1 and Westerly right-of-way line of Cleveland Avenue to the True Point of Beginning;  
Containing 0.001 acres more or less.  
Bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986).  
Control for bearings are from coordinates of Monuments COC13-83 and COC18-83, having a bearing of North 68° 31' 54" East, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment

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 this resolution shall take effect and be in force from and after the earliest period allowed by law.