



## Legislation Details (With Text)

**File #:** 0044X-2008    **Version:** 1

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

**File created:** 2/12/2008    **In control:** Judiciary And Court Administration Committee

**On agenda:** 2/25/2008    **Final action:** 2/28/2008

**Title:** To declare the necessity and intent to appropriate permanent and construction easements in, over, under and through real estate in connection with the Evergreen/Dewberry Stormwater Improvement Project, and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/28/2008	1	CITY CLERK	Attest	
2/27/2008	1	MAYOR	Signed	
2/25/2008	1	Columbus City Council	Adopted	Pass
2/25/2008	1	COUNCIL PRESIDENT	Signed	
2/15/2008	1	Atty Drafter	Sent to Clerk's Office for Council	
2/14/2008	1	Atty Reviewer	Reviewed and Approved	
2/14/2008	1	Atty Drafter	Sent for Approval	
2/14/2008	1	CITY ATTORNEY	Reviewed and Approved	
2/12/2008	1	Atty Drafter	Sent for Approval	

**Background:**

The following is a resolution to declare the necessity and intent to appropriate permanent and construction easements in, over, under and through real estate in connection with the Evergreen/Dewberry Stormwater Improvement Project, Project # 670771.

**Fiscal Impact:**

N/A

**Emergency Justification:** Emergency action is requested to allow the acquisition of the parcels necessary for this project to proceed without delay in order to maintain the Department of Utilities' acquisition schedule.

To declare the necessity and intent to appropriate permanent and construction easements in, over, under and through real estate in connection with the Evergreen/Dewberry Stormwater Improvement Project, and to declare an emergency.

WHEREAS, the City of Columbus is engaged in the Evergreen/Dewberry Stormwater Improvement 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 permanent 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 Evergreen/Dewberry Stormwater Improvement Project, Project #670771, 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:

**1S**  
**STORM SEWER EASEMENT**  
**0.008 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 2, Township 4, Range 22, Congress Lands, being on, over, and across Lot 14 of that subdivision entitled Opportunity Farms of record in Plat Book 15, Page 28 as conveyed to Rose K. Vargo, Trustee by deed of record in Instrument Number 200612270255971 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being described as follows:

Beginning, at the southwesterly corner of Grantor's tract, at the northwesterly corner of Lot 15 of said Opportunity Farms as conveyed to Friendly Freewill Baptist Church by deed of record in Deed Book 3679, Page 792, being on the easterly right-of-way line of Rhodes Avenue;

thence North 03° 48' 18" East, with said easterly right-of-way line, a distance of 16.52 feet to a point;

thence across Grantor's tract, the following courses and distances:

South 86° 11' 42" East, a distance of 20.00 feet to a point; and

South 03° 48' 18" West, a distance of 16.63 feet to a point on Grantor's southerly line;

thence North 85° 53' 22" West, with said southerly line, a distance of 20.00 feet to the POINT OF BEGINNING and containing 0.011 acre of land, more or less.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.

Edward J. Miller

Registered Surveyor No. 8250

**1T**  
**TEMPORARY EASEMENT**  
**0.011 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 2, Township 4, Range 22, Congress Lands, being on, over, and across Lot 14 of that subdivision entitled Opportunity Farms of record in Plat Book 15, Page 28 as conveyed to Rose K. Vargo, Trustee by deed of record in Instrument Number 200612270255971 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being described as follows:

Beginning, for reference, at the southwesterly corner of Grantor's tract, at the northwesterly corner of Lot 15 of said Opportunity Farms as conveyed to Friendly Freewill Baptist Church by deed of record in Deed Book 3679, Page 792, being on the easterly right-of-way line of Rhodes Avenue;

thence North 03° 48' 18" East, with said easterly right-of-way line, a distance of 16.52 feet to the TRUE POINT OF BEGINNING;

thence North 03° 48' 18" East, continuing with said easterly right-of-way line, a distance of 10.00 feet to a point;

thence across Grantor's tract, the following courses and distances:

South 86° 11' 42" East, a distance of 30.00 feet to a point; and

South 03° 48' 18" West, a distance of 26.68 feet to a point on Grantor's southerly line;

thence North 85° 53' 22" West, with said southerly line, a distance of 10.00 feet to a point;

thence across Grantor's tract, the following courses and distances:

North 03° 48' 18" East, a distance of 16.63 feet to a point; and

North 86° 11' 42" West, a distance of 20.00 feet to the TRUE POINT OF BEGINNING and containing 0.011 acre of land, more or less.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.

Edward J. Miller

Registered Surveyor No. 8250

**2S**  
**STORM SEWER EASEMENT**  
**0.007 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 2, Township 4, Range 22, Congress Lands, being on, over, and across Lot 15 of that subdivision entitled Opportunity Farms of record in Plat Book 15, Page 28 as conveyed to Friendly Freewill Baptist Church by deed of record in Deed Book 3679, Page 792 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being described as follows:

Beginning, at the northwesterly corner of Grantor's tract, at the southwesterly corner of Lot 14 of said Opportunity Farms as conveyed to Rose K. Vargo, Trustee by deed of record in Instrument Number 200612270255971, being on the easterly right-of-way line of Rhodes Avenue;

thence South 85° 53' 22" East, with Grantor's northerly line, a distance of 20.00 feet to a point;

thence across Grantor's tract, the following courses and distances:

South 03° 48' 18" West, a distance of 15.35 feet to a point; and

North 86° 11' 42" West, a distance of 20.00 feet to a point on the easterly right-of-way line of Rhodes Avenue;

thence North 03° 48' 18" East, with said easterly right-of-way line, a distance of 15.46 feet to the POINT OF BEGINNING and containing 0.007 acre of land, more or less.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.

Edward J. Miller

Registered Surveyor No. 8250

**2T**  
**TEMPORARY EASEMENT**  
**0.010 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 2, Township 4, Range 22, Congress Lands, being on, over, and across Lot 15 of that subdivision entitled Opportunity Farms of record in Plat Book 15, Page 28 as conveyed to Friendly Freewill Baptist Church by deed of record in Deed Book 3679, Page 792 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being described as follows:

Beginning, for reference, at the northwesterly corner of Grantor's tract, at the southwesterly corner of Lot 14 of said Opportunity Farms as conveyed to Rose K. Vargo, Trustee by deed of record in Instrument Number 200612270255971, being on the easterly right-of-way line of Rhodes Avenue;

thence South 03° 48' 18" West, with said easterly right-of-way line, a distance of 15.46 feet to the TRUE POINT OF BEGINNING;

thence across Grantor's tract, the following courses and distances:

South 86° 11' 42" East, a distance of 20.00 feet to a point; and

North 03° 48' 18" East, a distance of 15.35 feet to a point on Grantor's northerly line;

thence South 85° 53' 22" East, with Grantor's northerly line, a distance of 10.00 feet to a point;

thence across Grantor's tract, the following courses and distances:

South 03° 48' 18" West, a distance of 25.30 feet to a point; and

North 86° 11' 42" West, a distance of 30.00 feet to a point on the easterly right-of-way line of Rhodes Avenue;

thence North 03° 48' 18" East, with said easterly right-of-way line, a distance of 10.00 feet to the TRUE POINT OF BEGINNING and containing 0.007 acre of land, more or less.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.

Edward J. Miller

Registered Surveyor No. 8250

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.

