



Clerk of Council's Office



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Robert G. Montgomery
Franklin County Recorder



CERTIFICATE

I, Mary J. Johnston, Clerk of Council for the City of Westerville, Ohio, and in whose custody of Files and Records of said Council are required by the Laws of State of Ohio do hereby certify that the foregoing is a true and correct copy of

ORDINANCE NO. 2010-09: "TO DEDICATE LAND FOR PUBLIC STREET AND ROAD RIGHT OF WAY PURPOSES FOR WEST MAIN STREET; TO AUTHORIZE RIGHTS OF ENTRY AND EASEMENTS FOR THE WEST MAIN STREET BRIDGE IMPROVEMENT PROJECT, AND TO DECLARE AN EMERGENCY".

was passed by the Westerville City Council on April 6, 2010.

Mary J. Johnston, MMC
Clerk of Council

Date: April 7, 2010

21 S. State St. ☎ Westerville, OH 43081-2119 ☎ 614-901-6410 ☎ Fax 614-901-6401

Council-Manager Government Since 1916

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ORDINANCE NO. 2010-09

TO DEDICATE LAND FOR PUBLIC STREET AND ROAD RIGHT OF WAY PURPOSES FOR WEST MAIN STREET; TO AUTHORIZE RIGHTS OF ENTRY AND EASEMENTS FOR THE WEST MAIN STREET BRIDGE IMPROVEMENT PROJECT, AND TO DECLARE AND EMERGENCY.

WHEREAS, the West Main Street bridge over Alum Creek is an important structure in the Franklin County and the City of Westerville highway system for through traffic, and the public interest demands its rehabilitation; and

WHEREAS, the Franklin County Engineer and the City of Westerville through its City Manager by authorization granted by Westerville City Council on November 18, 2008, has mutually agreed to cooperate in the planning, design and construction of the project; and

WHEREAS, the design of such bridge replacement project, as determined by the Franklin County Engineer requires the grant of a rights of entry for the construction of leisure paths; entrance changes to public City facilities as a part of the project; and requires the City to dedicate City land for road rights of way purposes; and

WHEREAS, the bridge replacement project requires rights of entry for the temporary and permanent relocation of existing telecommunication and cable television facilities; and upon completion of the relocation of said facilities as-built description of permanent utility easement(s) needs to be prepared and permanent easement(s) granted and recorded; and

WHEREAS, such bridge replacement project is of benefit to the City and the citizens of the City, and such grants and conveyance will not be detrimental to the City or its citizens;

WHEREAS, additional West Main Street right of way is required to provide for public street, roadway and public utility purposes; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WESTERVILLE, OHIO:

Section 1. That Council hereby dedicates for public street, roadway, and public utility purposes the 0.410-acre tract of land and the 0.379-acre tract of land which are described in the descriptions marked as Description Exhibit "A" and Description Exhibit "B," respectively, both of which are attached to this Ordinance and made a part hereof, which collectively provide for the dedication of additional road right of way for West Main Street.

Section 2. That for the purpose of permitting the Franklin County Engineer's office and its authorized contractors' permission to construct the proposed leisure paths as outlined in the approved West Main Street Bridge over Alum Creek Project plans the City Manager is

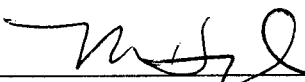
hereby authorized and directed to grant a right of entry to the Franklin County Engineer for said purpose.

Section 3. That for the purpose of allowing existing telecommunication companies and cable television companies and their authorized contractors permission to relocate and construct their existing facilities within the project limits of the proposed West Main Street Bridge over Alum Creek improvements, the City Manager is hereby authorized and directed to provide rights of entry to the companies for said purpose in such location as set forth on the plans for the Project as are on file in the City Engineers Office. Furthermore, after the completion of all work and the preparation of as-built drawings for the location of all such facilities associated with the West Main Street Bridge over Alum Creek improvements, the City Manager is hereby authorized and directed to grant necessary permanent utility easement(s) to such companies at such locations as set forth on the as-built drawings based on the actual location of such constructed facilities..

Section 4. That the Clerk of Council is hereby directed to file a certified copy of this ordinance with the Franklin County Auditor and record such with the Franklin County Recorder.

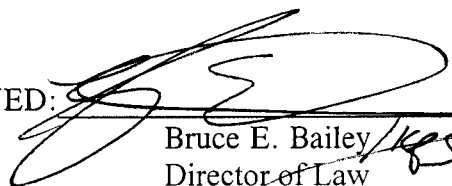
Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety in this City, such emergency arising from the need to provide prompt improvement of West Main Street Bridge over Alum Creek; WHEREFORE, this ordinance shall take effect and be in force immediately upon passage.

PASSED: April 6, 2010




Michael Heyeck
Chair of Council

APPROVED:



Bruce E. Bailey
Director of Law



Mary J. Johnston, MMC
Clerk of Council

EXHIBIT A
PARCEL 1-WD

Situated in the State of Ohio, County of Franklin, City of Westerville, and being in Quarter Section 2, Township 2 North, Range XVII West, United States Military Lands, being part of a 58.501 acre tract conveyed to the City of Westerville in Deed Book 3716, Page 449, and being a part of a 2.09 acre tract conveyed to the Village of Westerville in Deed Book 1030, Page 59, all references being to the Franklin County Recorder's Office, Franklin County, Ohio, and being a parcel of land lying on the left side of the centerline of right-of-way of C.R. 19 (also known as West Main Street), and being more particularly described as follows:

Commencing, for reference, at a railroad spike found in the westerly line of said Quarter Township 2, also being the westerly line of said Range XVII West and Blendon Township, said spike also being in the centerline of C.R. 75 (also known as Cleveland Avenue);

Thence along said centerline, also being said westerly line, South 3° 26' 25" West a distance of 18.34 feet to the intersection of said centerline with said centerline of C.R. 19;

Thence leaving said westerly line along the centerline of said C.R. 19 North 82° 29' 27" East a distance of 876.56 feet to a deflection in said centerline;

Thence continuing along said centerline North 81° 14' 10" East a distance of 525.29 feet to the southwesterly corner of said 58.501 acre tract, said point also being the southeasterly corner of a 2.975 acre tract conveyed to the City of Westerville by Deed Book 3704, Page 1, said point also being the TRUE POINT OF BEGINNING for the parcel herein conveyed;

Thence along the westerly line of said 58.501 acre tract, also being the easterly line said 2.975 acre tract, North 10° 10' 15" West a distance of 45.01 feet to an iron pin set on the proposed northerly right-of-way line of said C.R. 19;

Thence leaving said line across said 58.501 acre tract and said 2.09 acre tract along a new line the following two courses:

- 1) North 81° 14' 10" East a distance of 396.99 feet to an iron pin set (passing the easterly line of said 58.501 acre tract, also being the westerly line of said 2.09 acre tract, at a distance of 248.58 feet);
- 2) South 8° 45' 50" East a distance of 45.00 feet to the southerly line of said 2.09 acre tract, also being the northerly line of a 9 acre tract conveyed to the Village of Westerville in Deed Book 1016, Page 394, said point also being in the centerline of said C.R. 19;

Thence along said centerline, also being the southerly line of said 2.09 acre and 58.501 acre tracts, South 81° 14' 10" West a distance of 395.89 feet to the TRUE POINT OF BEGINNING and containing 0.410 acres of which the present road occupies 0.227 acres.

The above described tract is located in Franklin County Auditor's Permanent Parcel Number 080-000052 and 080-000081. Of the above described area 0.254 acres is from Parcel Number 080-000052, of which the present road occupies 0.140 acres; and 0.156 acres is from Parcel Number 080-000081, of which the present road occupies 0.087 acres.

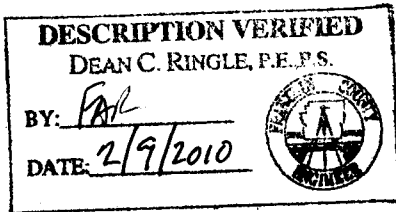
Grantor claims title by Deed Book 3716, Page 449 and Deed Book 1030, Page 59, Franklin County Recorder's Office.

This description is based on a survey performed for the Franklin County Engineer's Office in 2008 by WD Partners, Inc. This description was prepared and reviewed on February 2, 2010 by Kevin P. Carpenter, Registered Surveyor Number 8124.

The bearings shown herein are based on Ohio State Plane Coordinate System, South Zone, NAD 83 (86). Control for the bearings shown is determined by GPS observations of Franklin County Engineer's Office Monuments "FCGS 3317", "FCGS 3318", "WEST 3", and "WEST 1". The

bearing from "FCGS 3317" to "FCGS 3318" is North 3° 36' 08" East. Bearings are shown to indicate angle only.

Monuments referred to as iron pins set are to be 3/4" x 30" topped by an aluminum cap stamped "WD PARTNERS PS 8124". Monuments shall be set at the completion of construction of project FRA-C.R 19-3.66.



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EXHIBIT A
PARCEL 3-WD

Situated in the State of Ohio, County of Franklin, City of Westerville, and being in Quarter Section 2, Township 2 North, Range XVII West, United States Military Lands, being a part of a 1.776 acre tract conveyed to the City of Westerville in Official Record Volume 6597, Page B-09, said tract being part of Parcel "A" of the Collegeview Park Subdivision, as recorded in Plat Book 39, Page 39; and being a part of a 9 acre tract conveyed to the Village of Westerville in Deed Book 1016, Page 394, all references being to the Franklin County Recorder's Office, Franklin County, Ohio, and being a parcel of land lying on the right side of the centerline of right-of-way of C.R. 19 (also known as West Main Street), and being more particularly described as follows:

Commencing, for reference, at a railroad spike found in the westerly line of said Quarter Township 2, also being the westerly line of said Range XVII West and Blendon Township, said spike also being in the centerline of C.R. 75 (also known as Cleveland Avenue);

Thence along said centerline, also being said westerly line, South 3° 26' 25" West a distance of 18.34 feet to the intersection of said centerline with said centerline of C.R. 19;

Thence leaving said westerly line along the centerline of said C.R. 19 North 82° 29' 27" East a distance of 876.56 feet to a deflection in said centerline;

Thence continuing along said centerline North 81° 14' 10" East a distance of 771.85 feet to the northwesterly corner of said 9 acre tract, said point also being in the southerly line of a 2.09 acre tract conveyed to the Village of Westerville by Deed Book 1030, Page 59, said point also being the TRUE POINT OF BEGINNING for the parcel herein conveyed;

Thence continuing along said centerline, also being the northerly line of said 9 acre tract, also being the southerly line said 2.09 acre tract, North 81° 14' 10" East a distance of 149.33 feet;

Thence leaving said line across said 9 acre tract and said 1.776 acre tract along a new line the following two courses:

- 1) South 8° 45' 50" East a distance of 65.00 feet to an iron pin set;
- 2) South 81° 14' 10" West a distance of 343.33 feet to an iron pin set in the westerly line of said 1.776 acre tract, also being the easterly line of a 1.799 acre tract conveyed to EGR Properties, LLC in Instrument Number 199805130116672 (passing the westerly line of said 9 acre tract, also being the easterly line of said 1.776 acre tract, also being the easterly line of said Parcel "A", at a distance of 158.90 feet);

Thence along the westerly line of said 1.776 acre tract, also being the easterly line of said 1.799 acre tract, also being the easterly line of a 0.073 acre tract conveyed to the City of Westerville by Instrument Number 199910260269545, North 3° 16' 15" West a distance of 35.16 feet to the northwesterly corner of said 1.776 acre tract, also being the existing southerly right-of-way line of said C.R. 19;

Thence along said southerly line, also being the northerly line of said 1.776 acre tract and said Parcel "A", North 81° 14' 10" East a distance of 186.22 feet to the northeasterly corner of said 1.776 acre tract, also being the northeasterly corner of said Parcel "A", also being in the westerly line of said 9 acre tract;

Thence along said westerly line North 0° 22' 57" West a distance of 30.32 feet to the TRUE POINT OF BEGINNING and containing 0.379 acres of which the present road occupies 0.215 acres.

The above described tract is located in Franklin County Auditor's Permanent Parcel Number 080-000521 and 080-009342. Of the above described area 0.149 acres is from Parcel Number 080-009342, of which the present road occupies 0.128 acres; and 0.230 acres is from Parcel Number 080-000521, of which the present road occupies 0.087 acres.

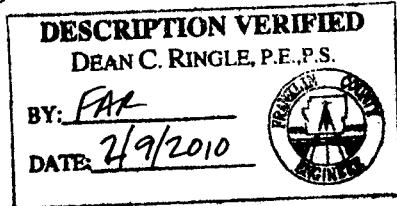
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M-005
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