

Resolution to adjust the boundaries of the City of Upper Arlington and the City of Columbus - Case #BC-23-13 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the Council of the City of Upper Arlington, Ohio by Ordinance No. 55-2013; passed June 24, 2013, has petitioned the Franklin County Board of County Commissioners to transfer 1.4 +/- acres within the boundaries of the City of Columbus and make it conform with the municipal boundaries of the City of Upper Arlington; and

WHEREAS, the City of Upper Arlington has asked for the boundary change according to the provisions of Section 709.37 and related sections of the Ohio Revised Code and that the Board of County Commissioners can cause a proper adjustment of rights and liabilities to be made between the City of Upper Arlington and the City of Columbus; and

WHEREAS, the Council of the City of Columbus by Ordinance No. 1849-2013; passed July 22, 2013 has also asked for the boundary change according to the provisions of Section 709.37 and related sections of the Ohio Revised Code; and

WHEREAS, a certified copy of said Ordinance No. 55-2013; with the proceedings of the City Council of Upper Arlington was presented to and filed with the Franklin County Economic Development and Planning Department on September 12, 2013.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

1. That it is the opinion and judgment of the Board that the extension of the boundary line of the City of Upper Arlington, as petitioned for the said petition by City Council, is expedient, and will be for the convenience and welfare of the inhabitants of the City of Upper Arlington and that the petition of the City of Upper Arlington is proper and therefore the petition be granted.
2. That there are no adjustments of funds, unpaid taxes, claims, indebtedness or other fiscal matters needed to be settled by the Board, as none were requested in the respective resolutions.

Prepared by: D. Anthony Hray

Cc: Economic Development & Planning Department

SIGNATURE SHEET

Resolution No. 0758-13

October 01, 2013

**RESOLUTION TO ADJUST THE BOUNDARIES OF THE CITY OF UPPER
ARLINGTON AND THE CITY OF COLUMBUS - CASE #BC-23-13**

**(Economic Development and
Planning)**

Upon the motion of Commissioner Marilyn Brown, seconded by Commissioner John O'Grady:

Voting:

**John O'Grady, President
Marilyn Brown**

**Aye
Aye**

Board of County Commissioners
Franklin County, Ohio

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon by the Board of County Commissioners, Franklin County, Ohio on the date noted above.



Shannon Z Cross, Clerk
Board of County Commissioners
Franklin County, Ohio



Commissioner John O' Grady · Commissioner Paula Brooks · Commissioner Marilyn Brown
President

Economic Development & Planning Department
James Schimmer, Director

RESOLUTION SUMMARY

REVIEW OF PETITION TO ADJUST
THE BOUNDARIES OF THE CITY OF
UPPER ARLINGTON AND THE
CITY OF COLUMBUS – BC-23-13

Description:

Attached is a resolution to consider the boundary change of approximately 1.4- acres, more or less, from the city of Columbus to the city of Upper Arlington. The petition case number is BC-23-13.

Applicants:

City of Upper Arlington & City of Columbus

Agent:

Tom Lindsey, First Assistant City Attorney, City of Upper Arlington

Site:

Vicinity of the intersection between North Star Road and Kinnear Road
(010-203994)

Analysis:

The applicants *have met* all statutory requirements outlined in Section 709.37 of the Ohio Revised Code.

Recommendation:

Pending any questions, staff would request your **approval** of this boundary change.



Commissioner John O'Grady · Commissioner Paula Brooks · Commissioner Marilyn Brown
President

Economic Development & Planning Department
James Schimmer, Director

MEMO JOURNALIZATION

TO: Shannon Zee Cross, County Clerk
Franklin County Commissioners Office

FROM: D. Anthony Hray, Planner
Franklin County Economic Development & Planning Department

CC: James Schimmer, Director
Franklin County Economic Development & Planning Department

RE: Description of Boundary Change case to be journalized on the
September 17, 2013 General Session Agenda for a hearing on
October 1, 2013.

Case #BC-23-13- A boundary change BC-23-13 was filed in our office on September 12, 2013. The petition is requesting a boundary change between the city of Upper Arlington and the city of Columbus. The city of Columbus is consenting to the transfer of 1.4 +/- acres to the city of Upper Arlington.
Site: Vicinity of the intersection between North Star Road and Kinnear Road (010-203994)

RECORD OF ORDINANCES
CITY OF UPPER ARLINGTON
STATE OF OHIO

RECEIVED

SEP 12 2013

Franklin County Planning Department
Franklin County, OH

ORDINANCE NO. 55-2013

TO AGREE TO THE ADJUSTMENT OF THE BOUNDARIES BETWEEN THE CITY OF COLUMBUS AND THE CITY OF UPPER ARLINGTON BY CONSENTING TO THE TRANSFER FROM THE CITY OF COLUMBUS TO THE CITY OF UPPER ARLINGTON OF APPROXIMATELY 1.4 ACRES LOCATED IN THE VICINITY OF THE INTERSECTION BETWEEN NORTH STAR ROAD AND KINNEAR ROAD, AND TO DECLARE AN EMERGENCY

WHEREAS, the easterly boundary line of the City of Upper Arlington along North Star Road is a westerly boundary line of the City of Columbus and the said cities therefore have common boundary and adjoin; and

WHEREAS, the Board of Trustees of The Ohio State University has passed a resolution to authorize the granting of an easement for highway purposes on two parcels of land located within the City of Columbus to construct traffic improvements at the intersection between North Star Road and Kinnear Road; and

WHEREAS, it is the desire of the cities of Columbus and Upper Arlington to transfer the subject parcels of land and a segment of the Kinnear right of way from the City of Columbus to the City of Upper Arlington to facilitate the construction and maintenance of the traffic improvements and traffic enforcement at the intersection; and

WHEREAS, the proposed transfer does not involve the transfer of territory inhabited by more than five voters; and

WHEREAS, the boundary adjustment will be contingent upon the City's receipt of the easement for highway purposes signed by the appropriate state officials;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1. That in accordance with Section 709.37 of the Ohio Revised Code, the City of Upper Arlington hereby agrees to the transfer from the City of Columbus to the City of Upper Arlington the land described as follows:

DESCRIPTION OF BOUNDARY ADJUSTMENT

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 1, Range 18, United

States Military Lands, being part of that tract conveyed to The State of Ohio by deed of record in Deed Book 629, Page 11 and part of Kinnear Road, of record in Road Record 20, Page 281 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at Franklin County Geodetic Survey monument number 5231 found at the centerline intersection of North Star Road with Kinnear Road;

Thence easterly, with the centerline of said Kinnear Road, a distance of approximately 30 feet to the intersection of said centerline with the easterly line of City of Upper Arlington, as established by Ordinance Number 35-37, of record in Miscellaneous Record 101, Page 234, being the westerly City of Columbus Corporation line as established by Ordinance Number 239-86, of record in Official Record 7042C15, being in an extension of the easterly right-of-way line of said North Star Road, and being the TRUE POINT OF BEGINNING;

Thence northerly, with said common Corporation line, said easterly right-of-way line, a distance of approximately 450 feet to a point;

Thence across said The State of Ohio tract, the following courses and distances:

Southerly, a distance of approximately 69 feet to a point;

Southeasterly, a distance of approximately 114 feet to a point;

Southeasterly, a distance of approximately 186 feet to a point; and

Southeasterly, a distance of approximately 110 feet to a point in the northerly right-of-way line of said Kinnear Road;

Thence easterly, with said northerly right-of-way line, a distance of approximately 71 feet to a point;

Thence southerly, across said Kinnear Road and said The State of Ohio tract, a distance of approximately 70 feet to a point;

Thence continuing across said The State of Ohio tract, the following courses and distances:

Westerly, a distance of approximately 82 feet to a point;

Southwesterly, a distance of approximately 98 feet to a point;

Southerly, a distance of approximately 45 feet to a point of curvature;
With said curve, having a radius of approximately 346 feet, an arc of
approximately 88 feet and a chord distance of approximately 88 feet to a
point of tangency;

Southerly, a distance of approximately 108 feet to a point; and

Southerly, a distance of approximately 61 feet to a point in said easterly
right-of-way line, said common Corporation line;

Thence northerly, with said easterly right-of-way line, said common
Corporation line, a distance of approximately 402 feet to the TRUE
POINT OF BEGINNING, containing 1.4 acres, more or less.

SEE ATTACHED SURVEY MARKED EXHIBIT A.

SECTION 2.

That the City Attorney shall notify the City Clerk when the City has
received the easement for highway purposes signed by the appropriate
state officials.

SECTION 3.

That upon receiving the notification in Section 2, the City Clerk is
authorized and directed to deliver a certified copy of this Ordinance to
the Franklin County Board of Commissioners for further proceedings in
accordance with Section 709.37 of the Ohio Revised Code.

SECTION 4.

That the City Manager and the City Attorney are hereby authorized to
take any and all actions necessary to effectuate the boundary
adjustment consistent with this Ordinance.

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 timely begin
construction of traffic improvements to take advantage of available
grant funds, therefore this Ordinance shall take effect immediately
upon passage.

PASSED: June 24, 2013



President of Council

ATTEST: Molly Hildebrand
City Clerk

I, Molly Hildebrand, City Clerk of Upper Arlington, Ohio, do hereby certify that the above is a true and correct copy.



City Clerk

CERTIFICATE OF POSTING

I, Molly Hildebrand, City Clerk of the City of Upper Arlington, Ohio, do hereby certify that publication of the foregoing was made by posting a true copy of Ordinance No. 55-2013 at the most public place in said corporation as determined by the Council, the Municipal Building, 3600 Tremont Road, for a period of ten (10) days commencing June 25, 2013.



City Clerk of the City of Upper Arlington

Vote Slip

Sponsor: Mr. Schadek
Date Introduced: June 24, 2013

Legal Ad:
Newspaper:

Reading Date(s): June 24, 2013

Voting Aye: Adams, Ciotola, DeCapua, Johnson, Yassenoff, Leach

Voting Nay:
Abstain:
Absent: Schadek

Date of Passage: June 24, 2013

City Council Conference Session/Other Review: June 17, 2013

Other: Emergency; Suspension of Rules

SEP 12 2013

QUITCLAIM DEED OF EASEMENT (FOR ROADWAY PURPOSES) County Planning Department
Franklin County, OH

KNOW ALL MEN BY THESE PRESENTS that The Ohio State University, "**Grantor**", for valuable consideration paid by the City of Upper Arlington, Ohio, an Ohio political subdivision and municipal corporation, "**Grantee**", the receipt of which is hereby acknowledged, does hereby quitclaim unto said Grantee, its successors and assigns, a perpetual non-exclusive easement ("**Easement**") in, under, across, over, and through the real property described on Exhibit "A" attached hereto and made a part hereof by reference ("**Easement Area**"), to the extent of Grantor's interest therein for so long as said Easement is used for the purposes herein mentioned, to install, construct, reconstruct, operate, maintain, repair and replace certain roadway improvements, installations, enhancements, facilities and equipment related thereto, including without limitation, associated utilities and traffic control devices, associated lighting, curbs, ramps, gutters, sidewalks, plantings and other landscape items in, under, across, over and through the Easement Area (collectively, the "**Project**"), all at Grantee's sole cost and expense.

1. This Easement is granted, subject to the conditions, restrictions and limitations contained herein, and the Grantee, for itself and its successors and assigns, shall be deemed to have agreed to and accepted all such conditions, restrictions and limitations upon Grantee's use of the Easement and/or recordation of this instrument.

2. To the extent permitted by law, Grantee hereby releases Grantor from any and all liability or responsibility to Grantee or anyone claiming through or under Grantee by way of subrogation or otherwise for any injury or death, or loss or damage to persons or property which occurs in, on or about the Easement Area and which results or arises from the exercise of Grantee of its rights hereunder.

3. Grantee shall commence the Project not later than June 30, 2014 ("**Outside Project Commencement Date**") however, Grantee shall not commence the construction of the Project without first submitting to Grantor for Grantor's written approval, fully coordinated, finished and detailed engineering plans and specifications ("**Grantee's Plans**") for the Project that Grantee shall perform upon the Easement Area, which shall include but not be limited to: (i) the site location and site plans; (ii) grounds and landscaping plans, (iii) signage, (iv) drainage and any mitigation of wetlands; (v) relocation or location of utilities and traffic control devices (including without limitation painting/stripping and signage); (vi) associated lighting, curbs, ramps, gutters, and sidewalks. The Project shall at all times be installed, constructed, reconstructed, used, operated, maintained, repaired, replaced, removed, serviced and improved in accordance with all applicable local, state or federal laws, rules and regulations and applicable industry guidelines, including without limitation, the provisions of Chapter 4115 of the Ohio Revised Code, as applicable. If no such laws, rules, regulations or industry guidelines are applicable to the Project, then responsible engineering practices shall control. All permits, approvals, consents, costs and expenses associated with the Project, including but not limited to the costs and expenses of Grantee's Plans, are the sole responsibility of Grantee. Within ten (10) days of the commencement of the Project,

**TRANSFER
NOT NECESSARY**

SEP - 4 2013
CLARENCE E. MINGO II
AUDITOR
FRANKLIN COUNTY, OHIO

CONVEYANCE TAX
EXEMPT
P DF
CLARENCE E. MINGO II
FRANKLIN COUNTY AUDITOR

201309040149214
\$56.00 T20130075683
09/04/2013 9:37AM MLTON LINDSEY
Terry J. Brown
Franklin County Recorder

Grantee shall provide Grantor with written notice thereof. If Grantee shall not have commenced the Project by the expiration of the Outside Project Commencement Date, this Easement shall terminate and Grantor and Grantee shall execute such documentation as is necessary in Grantor's sole discretion to terminate and release this Easement within thirty (30) days of the Outside Project Commencement Date.

4. As soon as practicable after all entries made pursuant to the rights granted herein, Grantee shall cause the property of the Grantor located within the Easement Area herein described, or any property affected by such entry, to be restored to its former condition as nearly as is reasonably possible, or shall pay Grantor, at Grantor's option, for all damages to Grantor's real property, which damage was occasioned by or resulted from the Grantee or its agent's installation, construction, maintenance, repair, or removal of the Project, or use and occupation of the Easement Area.

5. The rights granted herein are nonexclusive and shall not be construed to interfere with or restrict the Grantor's paramount right to use the described Easement Area for any and all public purposes or locate, relocate, install, construct, reconstruct, maintain, operate, repair, remove, and use property improvements in, over, under, across and through said Easement Area.

6. Grantee agrees to accept the Easement Area in its "as-is" condition "with all faults". No representations or warranties have been made or are made, and no responsibility has been or is assumed by Grantor or by any trustee, officer, person, agent or representative acting or purporting to act on behalf of Grantor as to the condition or repair of the Easement Area or any other fact or conditions which has or might affect the Easement Area or the condition or repair of the Easement Area or any portion thereof. By acceptance of this Easement, Grantee waives and releases Grantor from any and all claims arising from or relating to the condition of the Easement Area.

7. In consideration of the Easement granted by Grantor herein, Grantee shall, at Grantee's sole cost and expense, construct, install, reconstruct, operate, maintain, repair and replace the Project as set forth on the Grantee's Plans as approved by Grantor.

8. Grantee covenants that it will not use, store, release, generate or dispose of or permit to be used, stored, released, generated or disposed of any Hazardous Substances on or about the Easement Area. For purposes of this instrument, "Hazardous Substance" means, (a) asbestos, any asbestos containing material, any substance that is then defined or listed in, or otherwise classified pursuant to, any Environmental Laws (as hereinafter defined) or any applicable laws or regulations as a "hazardous substance", "hazardous material", "hazardous waste", "infectious waste", "toxic substance", "toxic pollutant", or "biological hazard" or any other methodology used that defines, lists or classifies a substance as hazardous by reason of reproductive toxicity, or Toxicity Characteristic Leaching Procedure (TCLP) toxicity, (b) any petroleum and drilling fluids, produced waters and other wastes associated with the exploration, development or production of crude oil, natural gas, or geothermal

resources and (c) petroleum products, polychlorinated biphenyls, urea formaldehyde, radon gas, radioactive material (including any source, special nuclear or by-product material) and medical waste. For purposes of this instrument, "Environmental Laws" collectively means and includes all present and future laws and any amendments (whether common law, statute, rule, order, regulation or otherwise), permits and other requirements or guidelines of governmental authorities applicable to the Premises and related to the environment and environmental conditions or to any Hazardous Substance (including, without limitation, CERCLA, 42 U.S.C. Section 9601, et seq.; the Resource Conservation and Recovery Act of 1976, 42 U. S. C. Sec. 6901, et seq., the Hazardous Materials Transportation Act., 49 U.S.C. Sec. 1801, et seq. The Federal Water Pollution Control Act, 33 U.S.C. Sec. 1251, et seq., the Clean Air Act, 33 U.S.C. Sec. 7401, et seq., the Clean Air Act, 42 U.S.C. Sec. 741, et seq., the Toxic Substances Control Act, 15 U.S.C. Sec. 2601-2629, the Safe Drinking Water Act, 42 U.S.C. Sec 300f-300j, the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 1101, et seq., and any so-called "Super Fund" or Super Lien" law, and any law requiring the filing of reports and notices relating to hazardous substances, environmental laws administered by the Environmental Protection Agency, and any similar state and local laws and regulations, all amendments thereto and all regulations, orders, decisions, and decrees now or hereafter promulgated thereunder concerning the environment, industrial hygiene or public health or safety).

9. This Easement is granted pursuant to Ohio Revised Code Section 3345.18, which provides in pertinent part that Grantor's Board of Trustees may grant to any city the right to use in perpetuity or for such period of time as such Board shall specify, or until such time as such Board shall take further action regarding said use, any lands of the state under its supervision or control, for any street, road or highway purposes, which may include, areas or space on, above or below the surface.

10. The Easement granted herein shall be effective against and binding upon the Grantor and Grantee and their respective successors and assigns.

11. All notices, demands, requests, consents and approvals that may or are required to be given by either party to the other under this Easement shall be given in writing by personal delivery or by mail and shall be deemed given when delivered, or if mailed, three days after deposit in the U.S. mail, first class, postage prepaid and addressed to the respective addresses set forth below or to such other addresses as the addressee shall have furnished to the other party in the manner set forth in this section:

To Grantor at:

The Ohio State University
Physical Planning and Real Estate
Suite 200 McCracken Power Plant
2003 Millikin Road
Columbus, Ohio 43210

Attention: Real Estate Administrator

To the Grantee at:

City of Upper Arlington
3600 Tremont Road
Upper Arlington, Ohio 43221
Attention: City Manager

IN WITNESS WHEREOF, the parties hereto have executed this Easement as of this
3rd day of September, 2013.

STATE OF OHIO

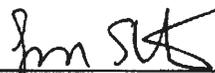
By: 
John R. Kasich, Governor

Date: 9/03/13

COUNTERSIGNED BY
By: 
Jon Husted, Secretary of State

Date: 9/3/13

GRANTOR:
The Ohio State University

By: 
Geoffrey S. Chatas, Senior Vice President
of Business and Finance and Chief
Financial Officer

Date: 7-31-2013

GRANTEE:

The City of Upper Arlington, Ohio

By: Theodore J. Staton
Theodore J. Staton, City Manager

Date: 8-1-2013

Approved as to Form:

By: Jon Lindsley
City Attorney AST

Acknowledgements

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

The foregoing instrument was acknowledged before me the 1st day of August, 2013, by Theodore J. Staton, the City Manager of the City of Upper Arlington, Ohio, an Ohio municipal corporation, on behalf of the municipal corporation.



Wendy L. Williams
Notary Public, State of Ohio
My Commission Expires 03-07-2016

Wendy L. Williams
Notary Public

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

The foregoing instrument was acknowledged before me the 31st day of July, 2013, by Geoffrey S. Chatas, the Senior Vice President of Business and Finance and Chief Financial Officer, of The Ohio State University, on behalf of University.



Theresa M. Drummond
Notary Public, State of Ohio
My Commission Expires 04-27-2018

Theresa M. Drummond
Notary Public

This instrument prepared by:
The Ohio State University Office of Legal Affairs,
1590 North High Street, Fifth Floor, Columbus, OH
43201

(00205738-1)

Exhibit A

**DESCRIPTION OF 2.011 ACRE
West of State Route 315
North of Northwest Boulevard**

Situated in the State of Ohio, County of Franklin, City of Columbus and City of Upper Arlington, lying in Quarter Township 3, Township 1, Range 18 of the United States Military Lands, being a part of the tract known as Auditor's Parcel Number 010-203994 and conveyed as the 50 acre tract known as Parcel I and the 14 acre tract known as Parcel II to The State of Ohio of record in Deed Book 629, Page 11, also being part of Kinnear Road of record in Road Record 20, Page 281 dated May 21, 1969 (an easement for highway purposes of record in Deed Book 3141, Page 590) and part of the portion of vacated Kinnear Road of record in Road Record 21, Page 7 dated July 16, 1970 (said Road Records are on file at the Franklin County Engineering Department, Franklin County, Ohio), and described as follows:

Beginning at Franklin County Geodetic Survey Monument 5231 marking the centerline intersection of North Star Road (width 60 feet) with Kinnear Road, in the westerly line of said 14 acre tract, the westerly line of said Quarter Township 3;

thence North 03° 02' 58" East, with the centerline of North Star Road, the westerly line of said 14 acre tract, the westerly line of said 50 acre tract, and said westerly quarter township line, a distance of 442.74 feet, to Franklin County Geodetic Survey Monument 5241 marking an angle point in North Star Road;

thence North 03° 00' 58" East, continuing with the centerline of North Star Road, the westerly line of said 50 acre tract, and said westerly quarter township line, a distance of 4.98 feet, to a magnetic nail set;

thence South 86° 59' 02" East, across the right-of-way of North Star Road and across said 50 acre tract, a distance of 30.00 feet, to an iron pin set in the easterly right-of-way line of North Star Road;

thence across said 50 acre tract and said 14 acre tract, the following courses:

South 02° 02' 59" East, a distance of 69.34 feet, to an iron pin set;

South 08° 42' 55" East, a distance of 114.02 feet, to an iron pin set;

South 20° 16' 01" East, a distance of 185.93 feet, to an iron pin set; and

South 37° 40' 18" East, a distance of 109.76 feet, to an iron pin set in the northerly right-of-way line of Kinnear Road;

thence South 82° 12' 21" East, across said 14 acre tract with said northerly right-of-way line, a distance of 71.34 feet, to an iron pin set;

thence South 07° 47' 39" West, partly across the right-of-way of Kinnear Road and said 14 acre tract (passing an iron pin set at 60.00 feet in the southerly right-of-way line of Kinnear Road), a distance of 70.00 feet, to an iron pin;

thence across said 14 acre tract, the following courses:

North 82° 12' 21" West, a distance of 82.02 feet, to an iron pin set;

South 56° 04' 15" West, a distance of 98.19 feet, to an iron pin set;

South 09° 10' 58" West, a distance of 45.26 feet, to an iron pin set at a point of curvature;

with the arc of a curve to the right, having a central angle of 14° 35' 57", a radius of 345.50 feet, an arc length of 88.03 feet, a chord bearing and distance of South 16° 28' 56" West, 87.80 feet, to an iron pin set at a point of tangency;

South 23° 46' 54" West, a distance of 107.81 feet, to an iron pin set; and

DESCRIPTION OF 2.011 ACRE

-2-

South 18° 20' 55" West, a distance of 60.63 feet, to an iron pin set in the easterly right-of-way line of North Star Road and in the line common to said 14 acre tract and the 12.270 acre tract conveyed to Gem Columbus, LLC (85.19% interest) and Schenk Columbus, LLC (14.81% interest) of record in Instrument Number 200707180125637;

thence North 86° 13' 20" West, with said common line and across the right-of-way of North Star Road, a distance of 30.00 feet, to a magnetic nail set at a common corner thereof, in the centerline of North Star Road, and said westerly quarter township line;

thence North 03° 00' 10" East, with said centerline line, said westerly quarter township line, and the westerly line of said 14 acre tract (passing Franklin County Geodetic Survey Monument 5180 marking the centerline intersection of North Star Road with said vacated Kinnear Road at 248.14 feet), a distance of 404.15 feet to the *Point of Beginning*, containing 2.011 acre, more or less, of which 0.943 acre lies in the present roadway occupied.

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

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.

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1995). Said bearings originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments: VANECC and ASTRO. The portion of the centerline of North Star Road, having a bearing of North 03° 02' 58" East is designated the "basis of bearing" for this survey.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

[Handwritten signature]

Edward J. Miller
Professional Surveyor No. 8250

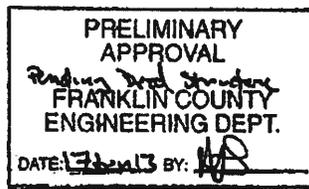
6/17/13

Date

0-015
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(010)
203994



EJM sg /February 27, 2013
Rev June 14, 2013
2_011 ac 20091186BNDY02.doc





City of Columbus Legislation Report

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

File Number: 1849-2013

ORIGINAL

Emergency

File ID: 1849-2013

Type: Ordinance

Status: Consent

Version: 1

*Committee: Development Committee

File Name: Columbus-Upper Arlington Boundary Adjustment

File Created: 07/11/2013

Cost: \$0.00

Final Action:

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Kevin Wheeler 645-6057

Floor Action (Clerk's Office Only)

JUL 22 2013 P 70

RECEIVED

SEP 12 2013

BC-23-13

Franklin County Planning Department
Franklin County, OH

Mayor's Action

Mayor *Acting*

7/24/13
Date

Council Action

JUL 22 2013
Date Passed/ Adopted

President of Council

City Clerk

Veto

Date

ACTING

Title: To agree to an adjustment to the City's boundaries by consenting to transfer approximately 1.4+/- acres from the City of Columbus to the City of Upper Arlington; and to declare an emergency.

Sponsors:

Indexes:

Attachments: ORD1849-2013 REVISED 1 4 ACRE
BOUNDARY ADJUSTMENT OFF OF KINNEAR
RD

I hereby certify that the above or attached is a true and correct copy of Ordinance No. 1849-2013 passed by The Council of The City of Columbus, Ohio 7/22, 20 13, as shown by the records now on file in this office.

Seal
City Clerk

Approval History

Version	Date	Approver	Action
1	07/11/2013	Steven Schoeny	Approved
1	07/11/2013	ATTORNEY APPROVER	Approved
Notes	JTC		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

Background: The City of Upper Arlington (Upper Arlington) has received a grant from the Ohio Public Works Commission (OPWC) to improve the intersection of Kinnear Road and North Star Road. This intersection lies at the boundary line between the two municipalities. Improvements will include a traffic circle and expanded right-of-way (ROW). While much of the existing intersection ROW is within Upper Arlington, the additional portion needed for the improvements lies within Columbus. This area consists of existing ROW associated with Kinnear Road and land owned controlled by The Ohio State University (OSU).

It is in the best interest of all parties if the intersection is within a single jurisdiction as it will facilitate construction and subsequent maintenance. It is the desire, therefore, of both Columbus and Upper Arlington to transfer the subject territory from Columbus to Upper Arlington. Completion of the boundary adjustment process is contingent upon OSU conveying a highway easement as illustrated on the plat map. Upon completion of that process, Columbus and Upper Arlington will submit their corresponding ordinances to Franklin County for final action in accordance with the provisions of Ohio Revised Code - Section 709.37. Emergency consideration is requested for this legislation to facilitate the intersection improvements, which are subject to time constraints associated with the OPWC grant.

Fiscal Impact: None. No funding is required for this legislation.

Title

To agree to an adjustment to the City's boundaries by consenting to transfer approximately 1.4+/- acres from the City of Columbus to the City of Upper Arlington; and to declare an emergency.

Body

WHEREAS, the easterly boundary line of the City of Upper Arlington along North Star Road is a westerly boundary line of the City of Columbus and the said cities therefore have common boundary and adjoin; and

WHEREAS, the City of Upper Arlington has received a grant to improve the intersection of Kinnear Road and North Star Road; and

WHEREAS, an area needed for the expanded ROW associated with the planned improvements lies within Columbus; and

WHEREAS, it is the desire of the cities of Columbus and Upper Arlington to transfer the subject parcels of land and a segment of the Kinnear right of way from the City of Columbus to the City of Upper Arlington to facilitate the construction and maintenance of the traffic improvements and traffic enforcement at the intersection; and

WHEREAS, the Board of Trustees of The Ohio State University has passed a resolution to authorize the granting of an easement for highway purposes on two parcels of land located within the City of Columbus to construct traffic improvements at the intersection between North Star Road and Kinnear Road; and

WHEREAS, the proposed transfer does not involve the transfer of territory inhabited by more than five voters; and

WHEREAS, the boundary adjustment will be contingent upon Upper Arlington's receipt of the easement for highway purposes signed by the appropriate state officials; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to transfer said tract of land in order to facilitate the intersection improvements, which are subject to time constraints associated with the OPWC grant, all for the preservation of the public peace, property, health safety and welfare; **now, therefore,**

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

Section 1. That in accordance with Section 709.37 of the Ohio Revised Code, the City of Columbus hereby agrees to transfer to the City of Upper Arlington the land described as follows:

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 1, Range 18, United States Military Lands, being part of that tract conveyed to The State of Ohio by deed of record in Deed Book 629, Page 11 and part of Kinnear Road, of record in Road Record 20, Page 281 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at Franklin County Geodetic Survey monument number 5231 found at the centerline intersection of North Star Road with Kinnear Road;

Thence easterly, with the centerline of said Kinnear Road, a distance of approximately 30 feet to the intersection of said centerline with the easterly line of City of Upper Arlington, as established by Ordinance Number 35-37, of record in Miscellaneous Record 101, Page 234, being the westerly City of Columbus Corporation line as established by Ordinance Number 239-86, of record in Official Record 7042C15, being in an extension of the easterly right-of-way line of said North Star Road, and being the TRUE POINT OF BEGINNING;

Thence northerly, with said common Corporation line, said easterly right-of-way line, partially with the westerly line of that 0.536 acre Permanent Highway Easement granted to City of Upper Arlington by deed of record in Instrument Number 201309040149214, a distance of approximately 450 feet to a point;

Thence across said The State of Ohio tract, with the easterly line of said 0.536 acre Permanent Highway Easement, the following courses and distances:

Southerly, a distance of approximately 69 feet to a point;

Southeasterly, a distance of approximately 114 feet to a point;

Southeasterly, a distance of approximately 186 feet to a point; and

Southeasterly, a distance of approximately 110 feet to a point in the northerly right-of-way line of said Kinnear Road;

Thence easterly, with said northerly right-of-way line, a distance of approximately 71 feet to a point;

Thence southerly, across said Kinnear Road and said The State of Ohio tract, partially with the easterly line of that 0.532 acre Permanent Highway Easement granted to City of Upper Arlington by deed of record in Instrument Number 201309040149214, a distance of approximately 70 feet to a point;

Thence continuing across said The State of Ohio tract, with the easterly line of said 0.532 acre Permanent Highway Easement, the following courses and distances:

Westerly, a distance of approximately 82 feet to a point;

Southwesterly, a distance of approximately 98 feet to a point;

Southerly, a distance of approximately 45 feet to a point of curvature;

With said curve, having a radius of approximately 346 feet, an arc of approximately 88 feet and a chord distance of approximately 88 feet to a point of tangency;

Southerly, a distance of approximately 108 feet to a point; and

Southerly, a distance of approximately 61 feet to a point in said easterly right-of-way line, said common Corporation line;

Thence northerly, with said easterly right-of-way line, said common Corporation line, the westerly line of said 0.532 acre Permanent Highway Easement, a distance of approximately 402 feet to the TRUE POINT OF BEGINNING, containing 1.4 acres, more or less.

Section 2. That the City Attorney shall notify the City Clerk when the City of Upper Arlington has received the easement for highway purposes signed by the appropriate state officials.

Section 3. That upon receiving the notification in Section 2, the City Clerk is authorized and directed to deliver a certified copy of this Ordinance to the Franklin County Board of Commissioners for further proceedings in accordance with Section 709.37 of the Ohio Revised Code.

Section 4. That the Development Director and the City Attorney are hereby authorized to take any and all actions necessary to effectuate the boundary adjustment consistent with this Ordinance.

Section 5. That the City of Columbus agrees to the transfer of the territory described in Section 1 to the City of Upper Arlington upon approval of the petition by the Board of Franklin County Commissioners and take any necessary steps to record such acceptance.

Section 6. 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.

RECEIVED

SEP 09 2013

Franklin County Engineer
Dean C. Ringle, P.E., P.S.

ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER
By BB Date 9/9/13

BOUNDARY ADJUSTMENT OF 1.4 +/- ACRES

FROM: CITY OF COLUMBUS
TO: CITY OF UPPER ARLINGTON

Situate in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 1, Range 18, United States Military Lands, being part of that tract conveyed to The State of Ohio by deed of record in Deed Book 629, Page 11 and part of Kinneer Road, of record in Road Record 20, Page 281 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at Franklin County Geodetic Survey monument number 5231 found at the centerline intersection of North Star Road with Kinneer Road, being in the westerly line of that 2.011 acre Roadway Easement granted to City of Upper Arlington, Ohio by deed of record in Instrument Number 201309040149214;

Thence easterly, with the centerline of said Kinneer Road, across said Roadway Easement, a distance of approximately 30 feet to the intersection of said centerline with the easterly line of City of Upper Arlington, as established by Ordinance Number 35-37, of record in Miscellaneous Record 101, Page 234, being the westerly City of Columbus Corporation line as established by Ordinance Number 239-86, of record in Official Record 7042C15, being in an extension of the easterly right-of-way line of said North Star Road, and being the TRUE POINT OF BEGINNING;

Thence northerly, with said common Corporation line, said easterly right-of-way line, across said Roadway Easement, a distance of approximately 450 feet to a point;

Thence across said The State of Ohio tract, with the easterly line of said Roadway Easement, the following courses and distances:

Southerly, a distance of approximately 69 feet to a point;

Southeasterly, a distance of approximately 114 feet to a point;

Southeasterly, a distance of approximately 186 feet to a point; and

Southeasterly, a distance of approximately 110 feet to a point in the northerly right-of-way line of said Kinneer Road;

Thence easterly, with said northerly right-of-way line, a northerly line of said Roadway Easement, a distance of approximately 71 feet to a point;

Thence southerly, across said Kinneer Road and said The State of Ohio tract, with an easterly line of said Roadway Easement, a distance of approximately 70 feet to a point;

Thence continuing across said The State of Ohio tract, with the easterly line of said Roadway Easement, the following courses and distances:

Westerly, a distance of approximately 82 feet to a point;

Southwesterly, a distance of approximately 98 feet to a point;

Southerly, a distance of approximately 45 feet to a point of curvature;

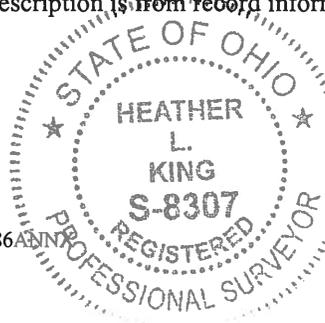
With said curve, having a radius of approximately 346 feet, an arc of approximately 88 feet and a chord distance of approximately 88 feet to a point of tangency;

Southerly, a distance of approximately 108 feet to a point; and

Southerly, a distance of approximately 61 feet to a point in said easterly right-of-way line, said common Corporation line;

Thence northerly, with said easterly right-of-way line, said common Corporation line, and across said Roadway Easement, a distance of approximately 402 feet to the TRUE POINT OF BEGINNING, containing 1.4 acres, more or less.

The above description is from record information only and is not to be used for transfer.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Heather L. King

Professional Surveyor No. 8307

9/6/13
Date

HLK
1.4 ac 20091186

RECEIVED

SEP 12 2013

BOUNDARY ADJUSTMENT OF 1.4 ACRES ± FROM THE CITY OF COLUMBUS TO THE CITY OF UPPER ARLINGTON

QUARTER TOWNSHIP 3, TOWNSHIP 1, RANGE 18
UNITED STATES MILITARY LANDS
CITY OF COLUMBUS, COUNTY OF FRANKLIN, STATE OF OHIO

RECEIVED

SEP 12 2013

Franklin County Planning Department
Franklin County, OH

BC-23-13



LOCATION MAP AND BACKGROUND DRAWING
SCALE: 1" = 3000'

RECEIVED

SEP 10 2013

Franklin County Engineer
Dean C. Ruppel, P.E., P.S.

APPROVED
PLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RUPPEL, P.E., P.S.
FRANKLIN COUNTY ENGINEER
By: DS Date: 9/9/13

